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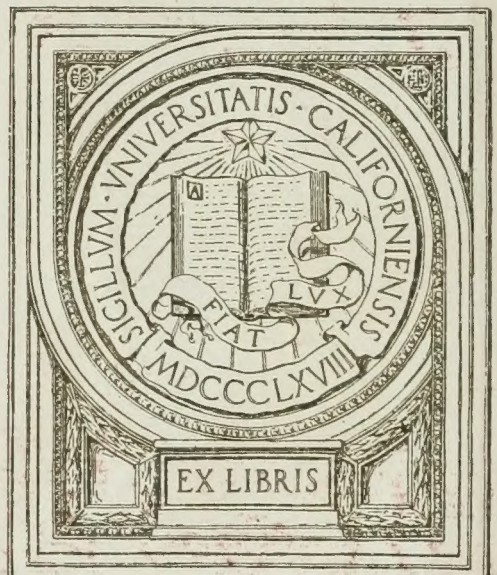

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Edinburgh Edition

CANADA

AND ITS PROVINCES

IN TWENTY-TWO VOLUMES
AND INDEX

VOLUME III

BRITISH DOMINION

1760-1840

PART I

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of 'Canada and its Provinces' is limited to
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J. A. Constable

BRITISH SOLDIERS DRAWING WOOD FROM STE FOY TO QUEBEC, 1760

From the painting by J. H. Macnaughton in the Château de Ramezay

CANADA

AND ITS PROVINCES

A HISTORY OF THE CANADIAN PEOPLE AND THEIR INSTITUTIONS BY ONE HUNDRED ASSOCIATES

GENERAL EDITORS: ADAM SHORTT AND ARTHUR G. DOUGHTY

VOLUME III

BRITISH DOMINION

1760-1840

EDINBURGH EDITION

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BRITISH RULE TO THE UNION: GENERAL OUTLINES

BRITISH RULE TO THE UNION: GENERAL OUTLINES

THE period of Canadian history terminating with the Union of the Canadas presents a vivid contrast to the preceding period which ended with the Cession.

Through the French period there breathes the spirit of romance. The voyageur exploring unknown rivers and untracked forests, the heroic missionary facing death in its most fearful forms, the sturdy Norman peasant fighting the wilderness and having at the same time to keep watch and ward against the treacherous and crafty Indian, the newness and strangeness of existence in a world so little known, give to the early history of Canada a perennial fascination.

Even the country life of the more peaceful and settled days has a colour and character entirely its own. We see transplanted to the new world the system of feudalism, an institution so venerable and so penetrated with historical associations that to find it on the virgin soil of Canada strikes us with a shock of surprise such as one might feel at meeting a knight in chain armour on the banks of the St Lawrence.

It is true that the feudalism of Canada was of a very benignant type, and it is by no means unlikely that its transplantation into that country by the French statesmen of the time was the wisest thing that could have been done. For there was, in fact, in this new world a reproduction of some of the conditions out of which European feudalism had sprung.

In the early days of that great system in Europe it was because the tillers of the soil had to be ready at any moment

to take arms against savage invaders in the defence of their homes that it was of prime importance to have in every community a leader to organize the little fighting force. There was the same vital need for such a lord and leader in the seventeenth century in Canada as in the seventh century in Gaul. And when the daily peril from the redskins had passed away, the seigniory was still a most useful bond to hold together the simple, easily contented habitants. The seigneur and the curé—natural and traditional allies—were the leaders, advisers and friends of the peasants grouped round the *manoir*.

The Cession inevitably struck a deadly blow at this system, though it actually lingered on until after the Union. Many of the seigniories had passed into English hands, and a Protestant seigneur, who probably knew little or no French, fitted very ill into the old scheme. He might be well disposed towards his feudal tenants, but between him and them there could hardly exist that happy and patriarchal relation born of mutual sympathy and intimate knowledge, of which we have such pleasant pictures under the *ancien régime* in Canada. One of the marked features of British rule between the Cession and the Union is the decay of the feudal system and its growing unpopularity.

In this period also Canadian affairs become detached from European politics. For many years before the Cession the main interest centred on the struggle between France and England for the new world. It was a great drama played on a great stage. The eyes of Europe were fixed on Canada because it was there that European history was being made. But when France, worn out and beaten, had at length withdrawn from the contest, continental Europe had no longer much concern with a remote wilderness like Canada. Nor was it to be expected, or indeed to be desired, that England—the new sovereign power—should take any very acute interest in Canadian affairs. She could know but little of their true meaning and purport, and interference, however well meant, was likely to do more harm than good.

That the chief officials of the colony should be appointed by the governor, and that he should receive their advice without

being by any means bound to follow it, were things which at that time were taken for granted. The plain common-sense which has never been wanting in England told her statesmen that the wisest plan was to leave Canada alone as far as possible to work out for herself her own destinies, which, as it seemed then, were not likely to be of special importance to the world in general. In the eighteenth century no one foresaw, or was in the least likely to foresee, that Canada was ever going to be of much consequence except to Canadians, nor were these expected to become very numerous.

The great difficulty which beset the English governors of the early period was to induce Downing Street to take any interest in the petty contentions which arose between the governor and the governed in these distant settlements. If things came to a head it was necessary on general principles to back up the governor, but the constant prayer of those at the Colonial Office was that such intervention should not be necessary. To some extent this was due, no doubt, to the deep-grained unwillingness of government officials at all times to interfere in matters which may lead them into difficulty, and out of which, in any event, no political capital can be made. But deeper down there was also the instinctive feeling that all interference from such a distance was dangerous.

At no time during the eighty years before the Union was there any approach to a good understanding between the two races in Canada, and about 1774, and again in 1837, the hostility between them was positively dangerous. In any judgment upon the disputes between them careful account must be taken of their respective numbers. According to such evidence as is available the French Canadians in 1760 were about 65,000, while the English were in all about 300. The population, except from 12,000 to 15,000, was all rural; Quebec had 6700 souls and Montreal 4000. After the Conquest the English population increased rather rapidly by the coming in of traders, but, although there has been some little dispute as to their numbers, it is safe to say that for many years the English formed less than five per cent of the population. In this state of matters, even if there had been

no treaty obligations, the only sound policy was to conciliate the French population so far as was consistent with safety, and to make them feel that their customs and institutions would not be interfered with needlessly under British rule. But this was just the policy which the British settlers could not stomach. They demanded in season and out of season that the English laws and the English language ought to prevail in Canada, and that the government of the country should be entrusted to their hands. Forming not more than five per cent of the population, they clamoured for an assembly from which their Roman Catholic fellow-subjects—the vast majority of the people—would be excluded by their inability to take the oath renouncing the authority of the pope. General Murray, who had a low opinion of the English settlers which he expressed with remarkable freedom, described them as 'licentious fanatics,' and said, 'Nothing will satisfy them but the expulsion of the French Canadians.' Whether this absurd idea was ever seriously cherished may be doubted, but certainly the 'king's old subjects,' as they were fond of styling themselves, advanced claims which the home government was not at all disposed to recognize.

The Quebec Act of 1774 was the final answer to these extravagant pretensions. It was in a sense a formal disavowal by the British government of any desire to anglicize the Province of Quebec. It satisfied the reasonable demands of the French Canadians by declaring that all questions concerning property and civil rights should be decided by the French law, it left to the Roman Catholics the free exercise of their religion, gave the clergy the right to levy tithes on members of their communion, and amended the oath of allegiance so as to make it possible for a Roman Catholic to take it without doing violence to his conscience.

It is easy for people at the present day to say that all this was a fatal mistake and that the right course would have been to take measures to stamp out the French law and the French language. A careful study of the contemporary documents has convinced the writer, at any rate, that the result of such a policy would have been to drive the French Canadians into the arms of the American revolutionaries.

Montreal would no doubt have spoken English, but if so, it would have been in the State instead of in the Province of Quebec. It was precisely because the French Canadians felt that they had been treated with justice and even with generosity by the British crown, that when the crisis came so soon afterwards they turned a deaf ear to the advances of the Americans. They were at that time almost entirely illiterate, and moved this way or that at the bidding of the priests and the seigneurs, who were their only leaders, and at this critical moment the whole influence of these leaders was exerted to restrain them, and they were threatened with excommunication if they joined the Americans. The priests and the seigneurs were strongly in favour of British connection because the Quebec Act had guaranteed to them the rights which they most valued. Any one who supposes that if the leaders had gone over to the side of the revolutionaries the people would have remained behind fails, in my judgment, to understand the conditions of society at that time in Canada.

The beginning of this first period of British rule saw Canada (omitting the Maritime Provinces) a colony of French habitants. Its close saw two flourishing provinces, which, in spite of civil dissensions and other adverse circumstances, had a number of large and prosperous cities, and more than the beginnings of great commercial interests. English, which in 1763 was spoken by a few hundreds of the people of Canada, was in 1837 the language of 550,000 out of the million inhabitants of the two provinces.

Adam Lymburner, who, as agent of the British part of the population, spoke at the bar of the Imperial House of Commons in 1791 against the formation of the new province of Upper Canada, said : ' What kind of a government must that upper part of the country form ? It will be the very mockery of a province, three or four thousand families scattered over a country some hundred miles in length, not having a single town and scarcely a village in the whole extent ; it is only making weakness more feeble and dividing the strength of the province to no purpose.' In 1837 Upper Canada had reached a population of 400,000, and to-day he

would be a bold man who spoke of Ontario as the 'mockery of a province.'

Of the War of 1812 and the circumstances connected with it nothing need here be said except that it illustrated again the wisdom of the policy embodied in the Quebec Act. The Americans reckoned that the French Canadians, if they did not actually join forces with them, would at the worst remain neutral. This, to a considerable extent, explains their absolute confidence in the success of the invasion. Thomas Jefferson in the spring of 1812 wrote: 'The acquisition of Canada this year as far as the neighbourhood of Quebec will be a mere matter of marching, and will give us experience for the attack upon Halifax and the final expulsion of England from the American continent.' The defeat they sustained at Châteauguay from the little force of French Canadians contributed in no small measure to the dispelling of these illusions as to the easy conquest of Canada.

The history of Lower Canada between the Constitutional Act and the Union Act is little more than that of the struggle between the two races for supremacy. The position of each of them is perfectly intelligible and natural, and it is not necessary to impute blame to either for striving to attain its own ends. As the two parties drew farther and farther apart, and as the issues became more sharply defined, it was evident that no reconciliation between the policies of the two races was feasible, and that Lower Canada left to herself could never work out her own salvation.

The English-speaking part of the population was mainly gathered together in the cities of Quebec and Montreal, except for the Eastern Townships, where considerable sections of the country had been settled by people of British stock, many of whom were from the United States. Partly owing to insufficient representation in the assembly, and partly to the want of roads, this group of farmers sparsely scattered over a large territory could not keep in touch with each other or with the cities, and was able to render but little assistance to their compatriots. In the main, therefore, we have to regard the British party as townsfolk. They were, with few exceptions, merchants with their families and

dependants. Their main desire was to improve the means of communication by land and water and to develop the exchange of commodities with the United States, with England and with foreign countries. The trade with the other provinces was inconsiderable. They felt that Canada even then had great commercial possibilities, and that they themselves had the capital and energy to enable them to profit by these opportunities if they could be assisted by simple and just laws and by a good administration. They looked upon the French Canadians as a conquered people whose tenacity in clinging to their national customs and to the French laws and language deserved the utmost reprobation. Their dream was to make Canada a new England beyond the seas. It was not enough that the English flag floated over it. A country won by force of arms could not be allowed to perpetuate the speech and institutions of England's hereditary enemy. The French laws, to which they were subject, they regarded with distrust and dislike. Nor can any honest student deny that in this respect they had real and important grievances. In principle the body of the civil law was the French law as it had been received in Canada before the Quebec Act of 1774. But to persons unacquainted with the French language that law was totally inaccessible, and even the French-Canadian lawyer had to work with very unsatisfactory materials. In France the obscurity and confusion of the old law had been to a great extent cleared away by the Code Napoléon and by the admirable writings of the early commentators on that great monument of the French genius for lucidity. But the Code Napoléon was a very unsafe guide to the law of Lower Canada because it was not specially based on the Custom of Paris, and in innumerable matters of detail it had broken away from the old law. As regards the law of land tenure and succession the lawyer in Canada knew pretty well where he was. But other branches of the law, and more particularly the commercial law, with which the trading class was most concerned, were in a state of the greatest obscurity. Moreover the jury system, whether in criminal or in commercial matters, was singularly ill adapted to a country divided, as Lower Canada was, into two hostile

camps. In criminal cases the juries were apt to show a strong bias in favour of the accused if he belonged to their race, and in commercial cases the British trader felt that the view of the facts which would be taken by the French members of the jury would inevitably be coloured by race prejudice.

In the neighbouring states roads and canals were being constructed, and the local governments were lending every aid to the commercial class in its efforts to develop the trade and resources of the country. In Lower Canada any proposal made by the British merchants for the expenditure of public money on schemes of this kind was sure to be blocked by the sullen opposition of a majority composed of little farmers incapable of any broad view. The English party hoped against hope that there would be such an immigration as would convert their minority into a majority, but as time went on the futility of these hopes became apparent. The separation of Upper Canada in 1791 was a severe blow, because it weakened the English party by taking away from them some ten thousand settlers whom they could ill spare, but the effect of the separation at the time was trifling compared with its consequences in the years which followed. The English in Lower Canada saw with something like dismay the tide of immigration flowing steadily past them. Settlers of English speech, whether coming from Great Britain or from the United States, were not likely to be attracted by the prospect of living in a French country whose backward condition and internal dissensions were notorious. With pardonable envy they saw Upper Canada growing and prospering with just the kind of population which they desired for their own province, the English speech spoken, the English law followed, the English Church honoured and favoured. The English mark was being set very deeply upon Upper Canada, and a naturalist in search of the typical John Bull would have been as likely to find a perfect specimen at York, Upper Canada, as at York in England.

Is it any wonder that the English in Lower Canada felt the iron entering into their souls ? Swamped by a hostile majority of foreigners (for by a somewhat humorous exercise of imagination they regarded themselves and not the French

Canadians as the true children of the soil), to whom could they turn for comfort and support but to England and to the governors who represented the crown? In their eyes the mission of the governor was to be their shield and buckler against their hereditary enemies, and, as a matter of fact, this was precisely the rôle that most of the governors were destined to play whether they liked it or not. They came out anxious to hold the balance true, to find a just mean between the two extremes, to try to reconcile conflicting views and to avoid committing themselves definitely to either side in this bitter and long-protracted struggle. The circumstances were too strong for them. Joseph Howe went so far as to say that most governors came out so ignorant of the colony that for the first six or twelve months they were like overgrown boys at school. The irresponsible executive councillors, the chief justice, the attorney-general and the rest were the schoolmasters. Howe says:

> It is mere mockery to tell us that the Governor himself is responsible. He must carry on the government by and with the few officials whom he finds in possession when he arrives. He may flutter and struggle in the net, as some well-meaning Governors have done, but he must at last resign himself to his fate and like a snared bird be content with the narrow limits assigned him by his keepers. I have known a Governor bullied, sneered at, and almost shut out of society while his obstinate resistance to the system created a suspicion that he might not become its victim; but I never knew one who, even with the best intentions and the full concurrence and support of the representative branch, backed by the confidence of his Sovereign, was able to contend on anything like fair terms with the small knot of functionaries who form the Councils, fill the offices and wield the powers of the government.

The political creed of the English party, with a comparatively few striking exceptions, was simple enough. In its eyes the French were at bottom traitors, waiting for an opportunity to shake off their allegiance; generosity would be thrown away upon them, and any power which was placed in their hands would be used to further their nefarious designs. The

governor may have doubted sometimes whether the French were as black as they were painted, but he ended by feeling that as the king's representative it was his duty to support those who, whatever their prejudices might be, were undeniably devoted heart and soul to the British connection.

To the English party the proposal for a reunion of the two Canadas was as welcome as the sight of a sail to a shipwrecked crew. It was true that, although a minority, it had always governed Lower Canada, but with what infinite pains had the machinery of government been made to work. Hampered and worried at every turn by the permanent opposition of the assembly, supported as it was by the vast majority of the voters, the mere work of carrying on the administration from day to day had absorbed the energies of the governing class. It had been hopeless to think of undertaking the public works, the legal reforms, and, in short, the many problems, executive and legislative, on the happy solution of which the progress of the country depended.

Now the English in Lower Canada would no longer be isolated. Their brethren in Upper Canada might be depended on to support those progressive measures which had fared so badly in the past, and in the new house they would have a majority. For though Upper Canada had only 465,000 persons against 691,000 in Lower Canada, each of the old provinces was to have an equal number of members in the new assembly. Lord Durham had made no secret of the fact that the main motive of the union which he recommended was to bring about the gradual anglicization of the whole country. This made the whole scheme, and Durham as its father, abhorrent to the French Canadians.

It is now time to turn for a moment to the other side of the medal. The French had been in Quebec for a century and a half before the English came. The lives of countless brave men and women had been spent in laying the foundations of civilized life in this vast wilderness. Hardly was there a settlement the name of which was not associated with some story of heroic deeds, or whose soil was not hallowed by the blood of the saints. The Roman Catholic Church had watched over Canada from its early days with anxious solici-

tude, and nowhere in the world was there a people which clung more closely to the faith of their fathers. The French Canadians moreover had become truly Canadian. Even before the Conquest, in spite of the political tie which bound them to Old France, the mass of the people had lost all vital connection with the country from which they sprang. The peasants and fishermen of Normandy, transplanted to the woods of Canada, were little likely to keep up any correspondence with relations in France even if they had had time and ability to do so. But hardly any of them could write, and of those who possessed that capacity few could afford the expense of getting letters conveyed by such means as then existed. The French officers and gentlemen of family, who to a slight extent had kept in touch with their old home, had, with few exceptions, gone back to France after the Conquest. The priests and nuns who from time to time came over described France after the Revolution as a country smitten by Heaven for its offences and given over to destruction. For a brief space during the Napoleonic age, when it seemed as if the Corsican was to be the master of the world, it was natural that some Canadians should cherish vague hopes of being restored to their old allegiance. But the battle of Waterloo put an end to all dreams of this kind, and the French Canadians ceased to feel any keen interest in the politics of Europe.

For many years after the Conquest the French thought and cared little about political rights. They had been used to autocracy, and hardly understood the pother which the Americans made about the principle that taxation and representation must go together. The creation of the representative assembly under the Constitutional Act they regarded with suspicion, and the act as an instrument for laying upon them heavier burdens. They were determined, however, to maintain inviolate the rights guaranteed to them by the Quebec Act, namely, the free exercise of their religion and the French civil law. Nothing had been said at the Cession about the French language, for the idea of imposing on sixty-five thousand people the language of a minority of a few hundreds was too absurd to occur to any one. As time went on, and

as the English population increased around them, the French Canadians came to regard the official recognition of the French language as a matter in which they were vitally interested. So long as their religion, their laws and their language were left undisturbed they were not much troubled by the fact that the governor and his little council of English officials managed the public business of the country. Nothing could have been more fortunate for England than this indifference in regard to politics, for it was out of the question at first to give political power into the hands of a people who had no historic reason for loving British connection and might be disposed to seek support in other quarters. But in the years which followed the War of 1812 the desire to get political power proportionate to their numbers gradually became stronger. Although the mass of the people was still largely illiterate, their leaders had not been blind to what was going on in other countries and even in the Maritime Provinces. The long struggle in England for parliamentary reform turned men's minds even in Canada to a consideration of the basis of government. The French Canadians felt keenly that though they had been conquered they were entitled to the same political rights as other British subjects. That they who had been in Canada a hundred and fifty years before the English should be characterized as foreigners and treated as an inferior race was not to be endured.

The final years of this period are memorable, not only in the history of Canada but in the history of liberty, as those in which the great struggle for responsible government took place. Unhappily in Lower Canada passion ran so high as to make the contest rather a smouldering war between the two races than a political fight between conservatives and reformers. The violence of Papineau and his inveterate hatred of English institutions prevented him drawing to his side those honest and loyal citizens who otherwise would gladly have helped in the cause of reform. Those who were fighting that battle in the other provinces were unwilling to associate themselves with men who made hardly any pretence of loyalty to the British crown. Joseph Howe, the most brilliant of them all, in his speech at Halifax in 1837 said : 'I wish to live and die a British subject, but not a Briton only

in the name. Give me—give to my country the blessed privilege of her constitution and her laws ; and as our earliest thoughts are trained to reverence the great principles of freedom and responsibility which have made her the wonder of the world, let us be contented with nothing less. Englishmen at home will despise us if we forget the lessons our common ancestors have bequeathed.' And in another speech in the same debate Howe referred to the possibility of his paying a visit to England, and said : ' I trust in God that when that day comes I shall not be compelled to look back with sorrow and degradation to the country I have left behind ; that I shall not be forced to confess that, though the British name exists and her language is preserved, we have but a mockery of British institutions ; that, when I clasp the hand of an Englishman on the shores of my fatherland he shall not thrill with the conviction that his descendant is little better than a slave.'

But when Howe was invited to lend his moral support to Papineau and his party and to send a consignment of Nova Scotia grievances to be tacked on to the ninety-two which they had enumerated, he stated his misgivings as to the attitude of the French party in Lower Canada with the most perfect frankness, saying indeed that he was convinced ' that an independent existence or a place in the American Confederation is the great object which at least some of the most able and influential of the Papineau party have in view.' And of the ninety-two resolutions, an incredibly verbose and weak composition, Howe says : ' I have rarely seen a more unstatesmanlike and discreditable paper from any legislative body than were the famous ninety-two resolutions. I do not speak so much of their substance as of their style and of there being *ninety-two* of them.'

Durham was too clear-sighted not to see that much of the strong language of Papineau and his friends was mere claptrap and not to be taken too seriously. Having no chance of getting into power, when promises, even political promises, are said to come home to roost, the members of the assembly were not in the habit of weighing their words very carefully. As Durham put it, ' the colonial demagogue bids high for popularity without the fear of future exposure.'

Durham's policy, so amply justified by its success, was to remove the real grievances, and in this way deprive the hot-headed malcontents of any colour of right.

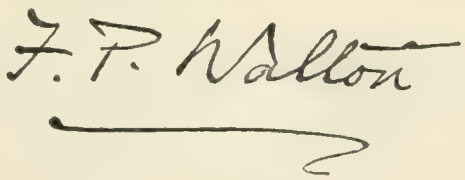
It is the fashion to belittle the Whig statesmen in England for their want of faith in the permanence of the tie between Canada and England, and for supposing that the grant of colonial self-government was but a half-way house to the complete independence of the colonies. This criticism is, on the whole, hardly deserved. Why should we expect them to be wiser on this matter than the Canadians themselves ? No Canadian could be more loyal than Howe and no part of Canada more devoted to the British connection than Nova Scotia, yet Howe in various places speaks of the possibility of independence, though he hopes it will not be in his time. And the legislative council of Upper Canada, adopting the report of the Select Committee to which Durham's Report had been referred, expressed the clear opinion that the adoption of 'his lordship's great panacea for all political disorders, "Responsible Government" . . . must lead to the overthrow of the great colonial empire of England.' Is it surprising that with such a warning British statesmen should be in no hurry to take a step so hazardous ? The men who had fought the battle of reform in England were not the men to suppose that Canada could be kept in the Empire by main force, and when, largely through the dogged pertinacity of Baldwin, it became necessary to grant self-government, they realized how serious an experiment they were making. It would not be possible to produce more weighty testimony for the Whig view of the colonial question in the forties than that of the third Lord Grey, and it would be hard to find a clearer exposition of sane and moderate imperialism than that which is given in the preliminary remarks to his essay on the 'Colonial Policy of Lord John Russell's Administration' :

> I consider then that the British Colonial Empire ought to be maintained principally because I do not consider that the nation would be justified in throwing off the responsibility it has incurred by the acquisition of this dominion, and because I believe that much of

> the power and influence of this Country depends upon its having large colonial possessions in different parts of the world. The possession of a number of steady and faithful allies, in various quarters of the globe, will surely be admitted to add greatly to the strength of any nation ; while no alliance between independent states can be so close and intimate as the connection which unites the Colonies to the United Kingdom as parts of the Great British Empire . . . the tie which binds together all the different and distant portions of the British Empire so that their united strength may be wielded for their common protection must be regarded as an object of extreme importance to the interests of the Mother country and her dependencies. To the latter it is no doubt of far greater importance than to the former, because, while still forming comparatively small and weak communities, they enjoy, in return for their allegiance to the British Crown, all the security and consideration which belong to them as members of one of the most powerful States in the world.

It is round the theory of responsible government, so new and daring an experiment, that the great interest of this period of Canadian history must always centre. The actual application of the theory was, it is true, postponed for a few years beyond the Union. It was left for Robert Baldwin and for Lord Elgin to complete the work of Joseph Howe and of Lord Durham. But the battle had really been won. No one can read Durham's Report or Howe's Letters without feeling that the policy they laid down was in the long run as inevitable as it was just.

Home Rule has long converted the French of Lower Canada into peaceable and law-abiding British subjects, and we have recently seen in South Africa that Lord Durham's ' panacea for all political disorders,' as it was contemptuously styled by the Legislative Council of Upper Canada, has not lost its efficacy.



THE NEW RÉGIME

THE NEW RÉGIME

The Capitulation

AFTER the Seven Years' War, with its bold strokes of genius, its daring strategies and thrilling actions, the record of the puny and impoverished remnant of the colonists of New France may seem to have little to commend it. But a new epoch had dawned in the history of the British Empire and of the North American continent: the din of the battle of the Plains still resounds in world history.

Even in Canada a mighty problem of empire challenged solution. Although the citadel of Quebec had fallen, the conquest of Canada had just begun. The welding into one nation of two peoples, whom tradition had declared to be inveterate foes, whom language and religion had kept asunder, was a problem which a century and a half of effort has not solved.

On the death of General Wolfe the command of the British troops devolved on General Monckton, but the condition of his health prevented his remaining at Quebec. Accordingly the responsibility of preserving Quebec and extending the Conquest descended to General James Murray. Murray, who had just reached his fortieth year, was the son of the fourth Lord Elibank, and had served in the West Indies, in Flanders and in Brittany. When Pitt determined on the policy of reducing the power of France by cutting off her colonies, Murray was sent to assist at the siege of Louisbourg. His service there won the special commendation of Wolfe, and in the final attack on Quebec he was entrusted with the command of the left wing of the army. Murray was an officer of tireless energy and activity. He had not escaped the prevalent prejudices of a soldier, yet his

varied military experience in no way blinded him to the needs of the unique situation with which he was compelled to deal.

The military genius of Murray was soon put to a severe test. The long-continued siege had left the city of Quebec and its defences in ruins, and the advanced season of the year made it impossible to restore them at once to a state of security. Murray's first months at Quebec were not lacking in stirring incident. The troops on whom the safety of the city depended were themselves restrained from mutiny only by the tact and wisdom of Murray. The scurvy, which during many previous winters had levied its heavy toll on Quebec, returned to add to his distress. In the spring he was compelled to defend his shattered walls against a vastly superior army. The Marquis de Lévis, after the defeat of Montcalm, made preparations for a vigorous campaign, and in April 1760 advanced with ten thousand men and laid siege to the city. Murray paid Montcalm the compliment of adopting his tactics of defence, and in the second battle of the Plains the British army was compelled to retire. So serious, however, was the damage which Murray inflicted that Lévis could not follow up his victory and capture Quebec, and when British reinforcements arrived with the opening of navigation he found it expedient to retreat hurriedly to Montreal.

The capitulation of Montreal, September 8, 1760, completed the military conquest of Canada, and the terms of agreement reached by the Marquis de Vaudreuil and General Amherst defined the conditions under which the French Canadians became subjects of the British crown. After the necessary provisions had been made respecting the occupation of the city, the protection of the property of the conquered, and the return to France of the officers of the late government, the questions of religious and political rights were discussed. The demand was made and granted that the free exercise of the Roman Catholic religion 'shall subsist entire, in such manner that all the states and the people of the Towns and countries, places and distant posts, shall continue to assemble in the churches, and to frequent the sacraments

as heretofore.'[1] The right of the priests to collect tithes was made to depend on the pleasure of His Majesty, while the request that the king of France should continue to nominate the bishop of the colony was pointedly refused. The request that the Canadians who remained in the colony should continue to be governed by their ancient laws and usages and, in case of war with France, should be permitted to observe a neutrality received the significant reply : 'They become subjects of the King.' It was the policy of Amherst to settle the issues on which depended the peaceful and speedy occupation of the country, and to reserve for the determination of the king the larger questions of general policy affecting the future of the colony.

Military Government

For purposes of government the administrative divisions which formerly existed in the colony were preserved, and each of the three districts of Quebec, Three Rivers and Montreal was placed in charge of a lieutenant-governor. General Murray remained in command at Quebec ; Colonel Burton was appointed to Three Rivers, and General Gage to Montreal.

The population of Canada at the time of the capitulation scarcely exceeded sixty-five thousand, of whom less than fifteen thousand occupied the cities of Quebec and Montreal. Four separate classes existed, distinguished by occupation, social standing and education. The gentry, descended from the ancient seigneurs or from the military or civil officers of former governments, constituted what remained of the aristocracy of New France. The gentry of the district of Quebec were described by Murray—and the description applies equally to those of the other districts—as vain and extravagant in their pretences, though in general poor and professing an utter contempt for trade and industry. The clergy was composed both of native Canadians and of priests from France. The Canadian clergy were descended in general

[1] Article xxvii of the Capitulation. See *Canadian Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 25.

from the humbler classes, and, though including men of undisputed ability and integrity, lacked something of the scholarship and refinement of their European brethren. The merchants, though not numerous, formed a distinct class in the community. The wholesale trade of the colony was largely confined to the French merchants, while the French Canadians remained content with the smaller retail business. The redemption of the French paper money was the issue of absorbing interest to the merchants. Most important of all were the habitants, whom Murray described as 'a strong, healthy race, plain in their dress, virtuous in their morals, and temperate in their living.' Murray could not but reflect on the extreme ignorance of the peasantry, which was attributed to the absence of newspapers and an apparent unwillingness on the part of the clergy to popularize education.

Now that the conflict was over, the colony directed its enfeebled efforts to repairing the breaches which the ravages of warfare had created. Agriculture, which during the campaigns prior to the Conquest was all but entirely suspended, was now gradually resumed. The trade which the war had so seriously disturbed was directed into new channels. Until the destiny of the colony had been determined the activity of government was confined to maintaining peace and order in the community. The lieutenant-governors received instructions that in the administration of justice the laws and customs of the Canadians should be respected and that, wherever possible, the former French magistrates should be retained. The inhabitants were protected in the exercise of their religion, and the prejudices against the heretic conqueror were gradually removed.

The system of military government as administered by Murray and his associates was well adapted to give the Canadians a favourable impression of British government. It singularly resembled the system to which they were accustomed, in exalting the authority of the governor and making few demands on the political intelligence of the governed. It was simple and, above all, it was administered by officers in sympathy with the needs of the new subjects.

Yet the colony was not without those who were dissatisfied and who secretly longed for its restoration to France.

The Treaty of Paris

The disposition of the prizes of the Seven Years' War was causing serious agitation in England. Many forces were operating to determine the destiny of Canada. Pitt's reign ended with the death of George II in October 1760. With the accession of a *king* in George III Bute and the other personal favourites assumed the direction of British policy. To King George and his party Pitt and his 'bloody and expensive war' were alike distasteful, and it was their hope that by concluding the war the foundation of Pitt's popularity and influence would be shattered. Pitt's policy of pursuing to the full the advantages of his more recent conquests would most probably have placed Britain in a position to dictate terms of peace. But now the war policy was discontinued and the negotiation of the peace was entrusted to the advocates of compromise.

Yet another and more potent factor was forming the character of the settlement. The mercantile theory of empire still received the homage of ardent devotees and very largely determined the attitude of Britain towards colonial possessions. The Empire was economically self-sufficient, and the colonies existed for the express purpose of contributing to the welfare of the motherland. The division of labour in the empire was simple, yet it produced an exceedingly well-balanced process: the motherland provided articles of manufactures; the West Indies produced sugar; Africa supplied slave labour; while America contributed farm products for both the motherland and the West Indies. This theory of empire had already fixed the main channels of trade; vested interests had been created which in any readjustment of empire would permit no destruction of the perfect scheme of commerce. The problem which British statesmen had to solve was to decide which of the conquered territories it were best to retain and which should be restored to the French king. The economic principle of selection placed Canada in the balance against Guadeloupe, one of the

West India sugar islands wrested from France. In favour of Guadeloupe were its rich sugar trade and the extensive shipping which its acquisition would secure. Canada's shipping was insignificant, and its great possibilities had not yet been unfolded. On the other hand, in favour of Canada it was argued that its market would give to British manufactures a rich monopoly ; its natural resources would in time be discovered ; while its climate rendered it more suitable for colonization than the southern islands. In any event the demand for sugar was already being supplied, and it was urged with calm assurance that with North America British the acquisition of Guadeloupe would be a mere incident.

The effect on the American colonies of the proposed addition to the Empire became, if not an actual determining factor, at least a most interesting phase of the peace discussions. Arguments advanced from that angle in general favoured retaining Guadeloupe rather than Canada. The production of sugar in the West India Islands would encourage agriculture in the American colonies, and, in consequence, would reduce the inclination to establish manufactories which would decrease the export trade of Britain. The safety of the Empire seemed to depend on maintaining in the American colonies a population of farmers. A still more subtle argument was evolved for the restoration of Canada. The power of France in the northern half of the continent would operate as a most effective check on insubordination in the American colonies. This clever freak of political sophistry had not yet been fully developed, and was compelled to wait for several years in order to receive serious consideration. In fact, the advocacy of such a policy would much more probably have hastened rebellion. After the American colonies had aided substantially in the reduction of French dominion in the north, what greater treachery could Britain have perpetrated than the conversion of Canada into a shackle for the restraint of those very colonies ?

In the end Canada won, and time has justified the wisdom of the choice. By the Treaty of Paris, concluded February 10, 1763, France renounced all claim to Nova Scotia and ceded to Britain Canada, Cape Breton, and everything

which depended upon them. The king of England agreed ' to grant the liberty of the Catholic religion to the inhabitants of Canada ' and, to that end, undertook to order that ' his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Romish church, as far as the laws of Great Britain permit.' Such of the inhabitants of the colony as wished to return to France were given liberty to do so, and were granted eighteen months in which to dispose of their estates.

Now that the destiny of the colony had been determined, the subjects, both new and old, were able to enter on definite plans for the future. To many of the ancient inhabitants the Treaty of Paris was a distinct disappointment. What emigration to France took place affected the cities and towns alone, and was confined to the officials of the former government, the professional men and the wealthier merchants. Not a few of these faithful subjects entered the service of their fatherland, where they attained positions of honour and distinction.

The Establishment of Civil Government

The attention of the British government was now definitely directed to the question of the form of government to be established in the newly acquired colonies. A reference was made to the Lords Commissioners for Trade, and they, in an exhaustive report of June 8, 1763, discussed the situation in each of the colonies. They observed :

> It is obvious that the new Government of Canada, thus bounded, will, according to the Reports of Generals Gage, Murray and Burton, contain within it a very great number of French Inhabitants and Settlements, and that the Number of such Inhabitants must greatly exceed, for a very long period of time, that of Your Majesty's British and other Subjects who may attempt Settlements, even supposing the utmost Efforts of Industry on their part either in making new Settlements, by clearing of Lands, or purchasing old ones from the ancient Inhabitants, From which Circumstances, it appears to Us that the Chief Objects of any new Form of Government to be erected in that Country ought to be to secure the

> ancient Inhabitants in all the Titles, Rights and Privileges granted to them by Treaty, and to increase as much as possible the Number of British and other new Protestant Settlers, which Objects We apprehend will be best obtain'd by the Appointment of a Governor and Council under Your Majesty's immediate Commission & Instructions.

In a later report the Lords of Trade urged that, in the interests of emigration, there should be a public statement of His Majesty's intentions regarding the government of the colonies. With this object in view the commissioners revised their former report by adding the recommendation that the first commissions should authorize the governors to call popular assemblies. Accordingly a proclamation was issued October 7, 1763, declaring that Canada, East and West Florida and Grenada had been erected into separate governments, and outlining the form of government with which each was to be endowed. The boundaries of the Province of Quebec were fixed as : on the north, the River St John ; on the west, a line from the head of the River St John through Lake St John to the south end of Lake Nipissing ; on the south, a line from the southern extremity of Lake Nipissing to the point where the forty-fifth parallel of latitude intersected the St Lawrence and thence along the forty-fifth parallel to the height of land ; on the east, the height of land between the St Lawrence and the Atlantic. Notification was then given that the various governors had been authorized, with the consent of the council, and as soon as circumstances would permit, to call general assemblies 'in such Manner and Form as is used and directed in those Colonies and Provinces in America which are under our immediate Government.' The governors, with the advice of the council and assembly so constituted, were empowered to make laws for the good government of their respective colonies.

What principles shaped Britain's attitude towards Canada? Canada had been acquired because by its conquest a death-blow would be struck at the empire of France. Canada was retained in 1763 because it afforded an excellent field for

settlement, and because it was capable of affording a valuable market for British produce. So far as trade was concerned Canada belonged to the same category as the American colonies and received the same treatment. But the differences of race and religion placed Canada in a unique position. The treaty rights of the Canadian subjects demanded recognition. Two principles, then, entered into the settlement of the form of government—the preservation of the rights of the French Canadians, and the establishment of British settlement. To what extent these principles were contradictory was not then evident, nor could this well have been so. The ideal which determined the settlement of the government in 1763 was that of a colony on the banks of the St Lawrence in which ultimately the Protestant religion and British ideas should predominate.

Governor Murray

The commissions to the governors were framed in accordance with the principles stated in the proclamation of October 7, 1763, and, after Pitt had graciously declined free transportation to political obscurity via Canada,[1] General Murray was entrusted with the civil government of the Province of Quebec. In the administration of the government Murray was assisted by a council composed of the leading officers of government together with eight persons chosen by the governor from the inhabitants of the province.

Murray's real difficulties now began. Such were the divisions in the character of the people, and so great were the diversities of their interests, that a clash was inevitable. The seigneurs had been the special object of Murray's attention. Though no longer able to support the dignity of an aristocracy, they still preserved their patrician character. Trade and commerce they despised, and by natural affinity they were attracted to the military class. Social intercourse welded a firm union between them and the British officers. The French-Canadian inhabitants composed the great mass

[1] Frederic Harrison in his *Chatham*, in the 'Twelve English Statesmen' series, says of Pitt that 'Bute pressed him to accept the governorship of Canada, with a salary of five thousand pounds, or the chancellorship of the Duchy with its large salary' (p. 130).

of the people. They were tillers of the soil, taught by religion and social custom to respect and obey their superiors. Their horizon seldom extended beyond their parish, and their interests were confined to the cultivation of their fields and the strict performance of their religious duties. Of the old subjects of the king none were more interesting than the actual conquerors of the colony. These soldiers and officers of the army were a distinct factor in its early political history. They had been associated with Murray during the period of military rule, and had formed a lively sympathy for the ancient French inhabitants. Justly proud of their profession, they entertained nothing but contempt for the vulgar commercial classes.

It was in such a soil as this that British trade was to be established. The proclamation of 1763 had expressly encouraged British emigration and had promised the old subjects in Canada the benefit of the laws of England. Nothing was more natural than that the London merchants should seize this splendid opportunity to extend their trade. But the creation of commerce with Canada required the development of production and industry in the province. It introduced a spirit alien to the life of the colony and clashed with the prejudices of the French Canadians. Not only so, but it aroused their fears and created a suspicion that these alien interlopers were cherishing designs on their homes and properties. The interests of trade and commerce were thus brought into conflict with those with which Murray was most intimately associated. Although there were doubtless among the traders men of character and ability, there was also another more clamorous element which gave to the trading community its unhappy reputation. Murray, who had no occasion to love them, at one time characterized them as the most immoral collection of men he had ever known. Again, writing to the Lords of Trade, he refers to them as 'chiefly adventurers of mean education, either young beginners, or, if old Traders, such as have failed in other countrys. All have their fortunes to make and are little solicitous about the means, provided the end is obtained.' [1]

[1] The Canadian Archives, Q 2, p. 377.

JAMES MURRAY

From the painting in the Dominion Archives

Civil government was not formally established until August 1764. The first problem which required Murray's attention was the establishment of courts of justice. Accordingly, in the September following, an ordinance was passed constituting a Court of King's Bench, for the trial of criminal and civil causes, agreeable to the laws of England ; a Court of Common Pleas for the trial of civil causes alone ; and a Court of Appeals.[1] The Court of Common Pleas was designed particularly for the benefit of the French Canadians, and the ancient customs of the colony were admitted in cases which arose prior to 1764. If demanded by either party, trial by jury was granted, and, much to the displeasure of the incoming English, French Canadians were admitted as jurors.

The constitution of a Grand Jury in connection with the sitting of the court at Quebec in October 1764 afforded the representatives of the traders an unequalled opportunity to state their grievances. The difficulty of Murray's task in conducting the administration may be better appreciated in the light of their demands.[2] They were greatly concerned with the observance of the Sabbath and found that 'a Learned Clergyman of a moral and exemplary life, qualified to preach the Gospel in its primitive Purity in both Languages, would be absolutely necessary.' Further, they represented that 'as the Grand Jury must be considered at present as the only Body representative of the Colony, they, as British subjects, have a right to be consulted, before any Ordinance that may affect the Body that they represent, be pass'd into a Law, and as it must happen that Taxes levy'd for the necessary Expences or Improvement of the Colony in Order to prevent all abuses & embezzlements or wrong application of the publick money.' To prevent the abuses and confusions too common in such matters they proposed that 'the publick accounts be laid before the Grand Jury at least twice a year to be examined and check'd by them and that they may be regularly settled every six months before them.' They

[1] For a description of the judicial system of Quebec see p. 436.

[2] The Presentments of the Grand Jury are given in full in *Canadian Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 153.

graciously informed His Excellency that they apprehended that certain clauses of the ordinance establishing courts were unconstitutional and ought forthwith to be amended. The French-Canadian members of the jury signed the presentment, but that it was in ignorance of its contents and spirit can well be understood when it is seen that the Protestant jurors added a supplemental article protesting against the admission of the French Canadians to juries as 'an open violation of our Most Sacred Laws and Liberties, and tending to the utter subversion of the protestant Religion and his Majesty's power, authority, right and possession of the province to which we belong.' Is it any wonder that Murray should have characterized these men as 'little calculated to make the new subjects enamoured with our Laws, Religion and Customs, far less adapted to enforce these Laws and to Govern'?[1]

Civil *versus* Military Authority

The British government was not particularly happy in its selection of civil officers for the colony. Murray complained bitterly that 'the judge pitched upon to conciliate the minds of seventy-five thousand Foreigners to the Laws and Government of Great Britain was taken from a Gaol, entirely ignorant of the Civil Law, and of the Language of the people.' The administrative offices were given to friends of the government in England, who had no interest in the successful government of the colony. The appointments were delegated to deputies ignorant of the language and customs of the people, whose sole interest was to exploit the inhabitants to the full limit of their capacity or endurance.

The relation between the civil and military authority, particularly in Montreal, was the cause of much trouble to the government. Unfortunately the situation was complicated by the lack of cordiality between Murray and Burton. On the promotion of General Gage to the post of commander-in-chief at New York, Colonel Burton was transferred from Three Rivers to Montreal, and was credited with having aspired to the government of the colony. On Murray's

[1] Murray to Shelburne, August 20, 1760; the Canadian Archives, B 8, p. 1.

appointment as governor, Burton refused the office of lieutenant-governor, but was appointed a brigadier on the American staff with command of the troops at Montreal.

The natural antipathy existing between the soldiers and merchants was aggravated by certain unfortunate incidents connected with the change from military to civil government. It had, at this time, been found necessary to billet the troops in private houses, but the regulations regarding billeting had exempted the homes of magistrates. A captain of the 28th regiment was billeted with a French family with whom one of the magistrates lodged. The magistrates, conceiving this a violation of the ordinance, committed the captain to gaol. The reply of the soldiers assumed a most barbarous form. On the night of November 6, 1764, a group of masked men forcibly entered the home of Thomas Walker, one of the magistrates of the town, and, after violently beating him, cut off his ear. Despite offers of reward and the utmost endeavours of Murray and the council, no reliable evidence could be secured to lead to a conviction of the persons implicated in the outrage. The condition of Montreal at this time was well described by Murray when he said that he 'found everything in confusion and the greatest Enmity raging between the Troops and the Inhabitants . . . and a stranger entering the Town from what he heard and saw might reasonably have concluded that two armies were within the Walls ready to fight on the first occasion.'[1] The hostility between the soldiers and the inhabitants was restrained only by the fear on both sides that any outbreak would result in serious bloodshed.

The Walker incident was the symptom of a grave disorder in the life of the colony. The situation was one which presented peculiar difficulties. It had been created by deep-seated prejudices which no action of government could have prevented or removed. But the broader question of the administration of justice was involved. From the small group of Protestant settlers the magistracy of the colony required to be selected. Of their qualifications Murray speaks in

[1] Murray to the Lords of Trade, March 3, 1765: the Canadian Archives, Q 2, p. 386.

terms of contempt, and, after the proper discount has been made, there is no doubt that the magistrates, as a whole, were not such as to command the respect and confidence of the community. Their conduct was frequently such as to aggravate the prejudice and bitterness which already divided the inhabitants of the towns.

Retirement of Murray

The opposition to Murray was becoming more persistent. The presentment of the Grand Jury in October 1764 was followed by a statement of grievances and a request from the merchants for Murray's recall. They complained of the restraint of their trade, of vexatious and oppressive ordinances ; they complained of the discourtesy of the governor and of his interference with the administration of justice, and lamented his total neglect of attendance on the service of the church. Their grievances, they urged, could be remedied by the removal of the governor and the appointment of a man of less pronounced military inclinations. Finally, they requested His Majesty 'to order a House of Representatives to be chosen in this as in other your Majesty's Provinces ; there being a number more than sufficient of Loyal and well affected Protestants, exclusive of military officers, to form a competent and respectable House of Assembly ; and your Majesty's new Subjects, if your Majesty shall think fit, may be allowed to elect Protestants without burdening them with such Oaths as in their present mode of thinking they cannot conscientiously take.' [1]

In order that the Lords of Trade should have full information on the subject of Canadian affairs, Murray sent to England Hector Theophilus Cramahé, formerly his civil secretary when lieutenant-governor of the district of Quebec, and now one of the leading members of the council. But the course of events in the colony favoured the opponents of Murray, and on April 1, 1766, he was asked to return to Britain to give an account of the affairs of his government. Murray was succeeded immediately by Lieutenant-Colonel

[1] See *Canadian Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 168.

Irving, who was soon relieved by the new lieutenant-governor, Sir Guy Carleton.

It was Murray's fate to have been placed in a position of extreme difficulty. The opposing principles of French-Canadian conservatism and of commercial expansion, which during the succeeding years determined party divisions in Canada, had thus early made their appearance. It is not to Murray's discredit that he was not fully aware of the significance of the forces operating about him. Murray was a soldier and, above all, a man of strong sympathies. He was attracted to the French Canadian ; he sympathized with him and determined to protect his liberties. The French Canadian had responded to Murray's system of government. On the other hand, Murray's natural prejudice against the merchant class was intensified by their extravagant and intolerant pretences. He saw that the realization of their claims would interfere with the freedom of the French Canadians, and he had already tasted of the troubles which their meddling could create in the administration. His training, his temperament, his personal interest, his view of the welfare of the empire made him a partisan at a time when none but the most skilled conciliator could have held the balance between opposing forces.

Guy Carleton

His successor, Guy Carleton, was born in County Down in Ireland in 1724. At the age of eighteen he received a commission in the army, and by 1757 had attained the rank of lieutenant-colonel. During his early military career he became acquainted with Wolfe, and an intimate friendship developed between the two officers. When Wolfe received the command of the expedition against Quebec he insisted on including Carleton on his staff ; but the king objected, and only after repeated representations was the royal pleasure secured for Carleton's appointment. During the campaign he performed important services, and in the battle of the Plains commanded a regiment of grenadiers.

In the autumn of 1766 Carleton found himself amidst the turbulent billows of Canadian parties. His opinion of the

situation was soon formed, for within two months after his arrival he published a proclamation designed to relieve the burden of taxation on the French-Canadian subjects. The scale of fees and perquisites which Murray had introduced, acting under instructions, was not adapted to the circumstances of the colony. The frauds of Bigot, the general destruction of property caused by the war, the retirement of the wealthier families, leaving the colony in an impoverished state, had rendered the fees a burdensome tax on the people. Carleton now relinquished all the fees connected with the governor's office, excepting those for the granting of liquor licences, which he converted into a source of revenue for charitable relief within the province.

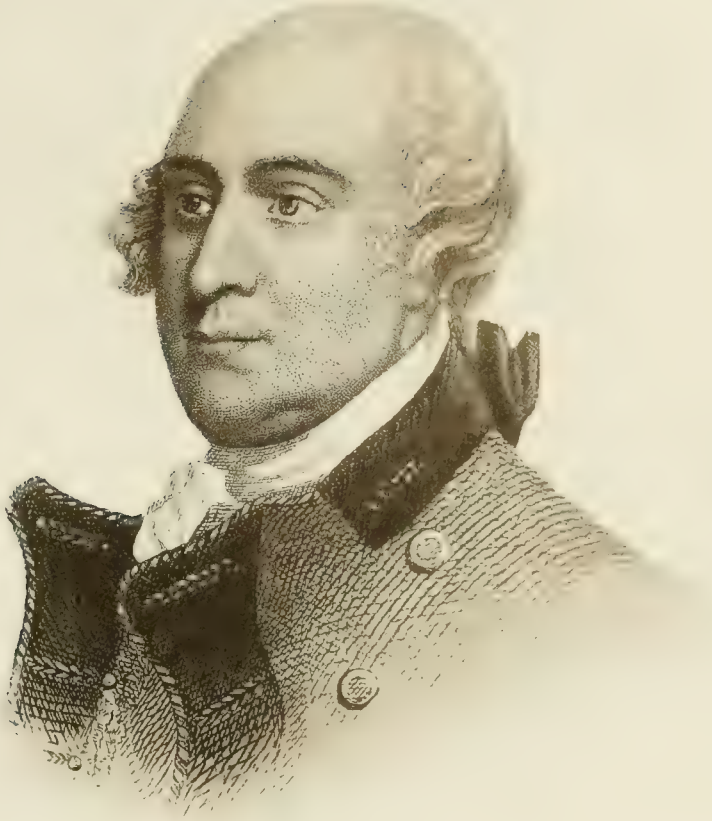
Carleton's troubles now began in earnest. The Walker affair came up again and roused renewed bitterness and rancour. One McGovock, a discharged soldier from the 28th regiment, laid information against Saint Luc de la Corne, Captain Campbell of the 27th, Lieutenant Evans of the 28th, Captain Disney of the 44th, Joseph Howard and Captain Fraser, the officer who had charge of the billeting. These gentlemen were arrested and arraigned for trial before the chief justice at Quebec. The Grand Jury, which was composed of both Protestants and French-Canadian noblesse, found a true bill against Captain Disney alone. Captain Disney's trial took place in March 1767, but he was declared 'most honourably acquitted.' The evidence against the accused officers was of such a contradictory character that McGovock was indicted for perjury and spent a term in gaol. Such unhappy incidents as this kept the community continually in a ferment and effectively prevented any permanent reconciliation between the magistracy and the military.

The Administration of Justice

An unfortunate abuse in the administration of justice was the cause of much oppression to the French Canadians. Murray's ordinance of September 1764 gave to the justices of the peace jurisdiction in property cases not exceeding £10, but this power had been degraded by the magistrates into an instrument of extortion. As Carleton explained it, the

SIR GUY CARLETON (LORD DORCHESTER)

From the engraving by A. H. Ritchie



magistrates who prospered in business could not afford to act as judges :

> When several from Accidents and ill judged Undertakings, became Bankrupts, they naturally sought to repair their broken Fortunes at the expence of the People, Hence a variety of Schemes to increase the Business and their own Emoluments, Bailiffs of their own Creation, mostly French soldiers, either disbanded or Deserters, dispersed through the Parishes with blank Citations, catching at every little Feud or Dissension among the People, exciting them on to their Ruin, . . . putting them to extravagant Costs for the Recovery of very small Sums, their Lands, at a Time there is the greatest Scarcity of Money, and consequently but few Purchasers, exposed to hasty Sales for Payment of the most trifling Debts, and the Money arising from these sales consumed in exorbitant Fees, while the Creditors reap little Benefit from the Destruction of their unfortunate Debtors.[1]

The abuses perpetrated on an ignorant and submissive people under the pretext of the administration of justice were a disgrace to British citizenship. In French Canada after the Conquest, as elsewhere and at other times, the greatest hindrance to the anglicizing of the community was the Englishman. Murray and Carleton, in their endeavours to establish the loyalty of French Canada to the British crown on a firm and natural basis, were compelled to be constantly on their guard against the rapacity of their fellow-countrymen. In spite of the bitter opposition of the British element, Carleton succeeded in securing an ordinance which defeated the designs of these unscrupulous self-seekers. The jurisdiction of the justices of the peace in matters of private property was withdrawn except in case of a special commission, and certain of the necessary possessions of the habitants were exempted from seizure.

While there were minor abuses in the administration of justice, the larger question of the law of the province was pressing for solution. To what extent did the ancient laws

[1] Carleton to Hillsborough, March 28, 1770: the Canadian Archives, Q 7, p. 7.

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of the colony remain in force and to what extent had English law been introduced? The principle that the laws of a conquered country remained in force until specifically altered by the conqueror had been accepted by the British legal authorities, and later received a definite judicial sanction in a judgment of Lord Mansfield.[1] The Treaty of Paris practically remained silent on the question of laws, so that the only instruments relating to the issue were the Royal Proclamation of 1763, the commission to General Murray and the ordinances of the governor and council.

The proclamation of 1763, after providing for the summoning of a legislative assembly, promised that in the meantime the colonists would be protected in 'the enjoyment of the Benefit of the Laws of our Realm of England.' This proclamation permitted of two distinct interpretations. The British residents of the province understood it as authorizing the general introduction of the laws of England. In this view they were evidently supported by the Lords Commissioners for Trade, who, in a report to the Privy Council in 1765, advised that in cases founded on events prior to the Conquest the courts should be governed by the customs 'which have hitherto prevailed.' On the other hand, the attorney-general and solicitor-general of Britain, in a report prepared in April 1766, laying special emphasis on the phrase *the enjoyment of the benefit of the laws of England*, interpreted the proclamation as introducing only such parts of the law as would be beneficial to the colonists. The English law of descent, of alienation and settlement of real property would, in the opinion of the British law-officers, only work confusion and injustice. The criminal law of England seemed to them to be the only branch of English law which would operate to the benefit of the inhabitants of Canada.

His Majesty's commission to General Murray appointing him governor of the province conferred on him the power, with the advice of the council, of erecting courts of justice,

[1] See the judgment in Campbell *v.* Hall, quoted in *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 369, and Walton, F. P., *Scope and Interpretation of the Civil Code of Lower Canada*, p. 6.

but contained no reference to the laws which they should administer. In outlining the legislative authority of the colony the commission anticipated the formation of a legislative assembly, and conferred very limited legislative powers on the governor and council.[1] The validity of private instructions as the sanction for the exercise of any legislative power not conferred by the royal commission was very properly questioned. In any case the authority granted by the instructions could not be construed as extending to the establishment of a system of criminal and civil law for the province.

Under this authority, however, the governor and council passed the ordinance of September 17, 1764, regulating and establishing courts of judicature. The superior court of judicature was empowered to determine all criminal and civil causes 'agreeable to the Laws of *England* and to the Ordinances of this Province.'[2] In the inferior court of judicature civil cases were decided agreeable to equity and the laws of England 'as far as the Circumstances and present Situation of Things will admit.' In criminal matters the application of English law was admitted by French and British alike, but in civil causes the wildest confusion arose. The French custom was naturally preferred by the majority of the inhabitants and was at first employed quite generally. As the English common law became more generally known and as its advantages were discovered, the French inhabitants were prepared to resort to it whenever it would apply favourably to their particular case. During the few years of its operation the French Canadian revealed no strong antipathy to it, but rather demonstrated that he could with little difficulty readjust his business to new principles which freed him from the restraints which in former days he had found cumbrous and irksome. The result was the growth of a hybrid creation of French-Canadian custom and English law, unintelligible alike to the judges, to the advocates and to the suitors in the courts.

[1] See p. 435.

[2] See the Ordinance quoted in *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 149.

The British government was aware of the serious character of the situation, and in 1767 dispatched Maurice Morgan for the purpose of collecting information leading to a permanent solution. At the same time the governor of the province and the attorney-general were directed to report on the administration of justice. The attorney-general of the province was Francis Masères, later Baron Masères, who was descended from a French Huguenot family. Masères, who had been educated at Cambridge and had been elected a Fellow of Clare Hall, was a man of wide learning. In his report on the Canadian legal situation he outlined four possible courses of settlement. The first was the creation of an entirely new code. While such a method possessed obvious advantages, the difficulties of carrying it into execution were such as to render it impracticable. Again, the French civil law might be retained in its entirety, and at the same time such English criminal law introduced as would operate to the advantage of the colony. The third and fourth methods were very similar. The law of England should be the general law of the province with the exception that, in relation to certain subjects, the Canadian customs should remain as at the Conquest, in the one case without being codified, in the other reduced to definite form in a provincial ordinance. Carleton's experience led him to favour the second plan, though this, to the Protestant mind of Masères, was open to serious objection.[1]

Another question of uncertainty was the status of the Roman Catholic Church. The extent to which the British statutes relating to Catholics applied in Canada was not clearly defined. No permanent provision had been made for the appointment of a bishop, though Monseigneur Briand had received the recognition of the governor in 1766.[2] The right of the clergy to collect tithes had not yet any legal sanction. In no official act had reference been made to the legal position of the Roman Catholic Church, though, seeing that it comprised the overwhelming majority of the inhabi-

[1] For the report of Masères see *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, pp. 228, 258.

[2] See in connection with the ecclesiastical supremacy of the crown p. 439.

FRANCIS MASÈRES

From the drawing by Charles Hayter

tants of the province, the determination of its legal status was a subject which could not long be neglected.

The agitation for a House of Assembly, though pursued with less vigour than during Murray's time, was not permitted entirely to subside. The Lords Commissioners for Trade, in a report on the state of the Province of Quebec, in 1769 proposed the establishment of a House of Representatives to be composed of twenty-seven members. The franchise was to be enjoyed irrespective of creed, though certain property qualifications were to be imposed by statute. The cities of Quebec and Montreal and the town of Three Rivers together were to elect fourteen representatives, and for these districts Protestants alone were to be eligible.[1] A petition for an assembly was presented in 1770, and, when it became evident that some change in the government of the province was contemplated, the agitation was renewed with redoubled vigour.

Carleton, who in 1768 had been appointed governor-in-chief, was following with deep concern the movements in the American colonies. In order that he might be of greater service in framing the new constitution for the colony, he returned to England in August 1770, leaving Cramahé in charge of the government. In 1773 the English traders presented two petitions, the one to the lieutenant-governor and the other to the king, requesting the constitution of an Assembly of Freeholders in such manner as His Majesty should judge most proper.[2] A committee of the petitioners in a letter to Masères stated that it was 'the general opinion of the people (French and English) that an Assembly would be of the utmost advantage to the Colony.'[3] The statements of Cramahé, however, did not accord with this opinion. 'The Canadians suspecting their only View was to push them forward to ask, without really intending their Participation of the Privilege, declined joining them here or at Montreal.'[4] Cramahé also observed that of the signers of the two petitions there were not five who could be properly styled freeholders, and that the value of four of these freeholds

[1] See *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 263.
[2] *Ibid.*, p. 345. [3] *Ibid.*, p. 343. [4] *Ibid.*

was very inconsiderable. 'The Number of those possessing Houses in the Towns of Quebec and Montreal, or Farms in the Country, held of the King or some private Seigneur, upon paying a yearly Acknowledgment, is under thirty.'

The Quebec Act

The various issues regarding the law, the church, the House of Assembly were set at rest by the Quebec Act. It first provided for an extension of the boundaries of the province. From Chaleur Bay the new boundary followed the old until it reached the St Lawrence, when it diverged, following the eastern bank of the river to Lake Ontario, thence to the Niagara River and the eastern shore of Lake Erie, until it met the boundary of the Province of Pennsylvania, which it followed to the Ohio River. On the south the province was bounded by the Ohio, and on the west by the Mississippi and the limits of the territory of the Hudson's Bay Company. On the north Quebec was made to include Labrador and the territory on the continent formerly annexed to Newfoundland.

The coast of Labrador was added to Quebec on account of the disputes which arose in connection with the fisheries. The fisheries regulations of Newfoundland were designed more particularly for the cod fishing, and were inapplicable to the sedentary seal fishing of Labrador, which was confined exclusively to French Canadians.[1]

The reason for the extension of the province southward is not so obvious. When the proclamation of 1763, defining the boundaries of the Province of Quebec, was being prepared this same question of the southern limits was thoroughly canvassed. The western hinterlands had not then been included, as it would have given support to the conclusion that Britain's title to them depended on the Conquest, and because their annexation to Canada would have given that province a preponderating influence with the Indians and would have involved the establishment of a system of military garrisons.[2] It would seem that the intention of the British

[1] See *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 359.
[2] *Ibid.*, p. 111.

government was to erect this territory into a separate administration, but the difficulties in the way of such a course prevented its execution.

In the disposal of the Ohio valley three courses were open to the British government. It could be constituted a separate province ; it could be divided and annexed to the adjoining American colonies ; or it could be attached to Quebec. The population of the hinterland was small, and as yet scarcely justified the creation of a distinct government. It would have been entirely inland, and its trade would have afforded fruitful opportunities for complications with the neighbouring provinces, and, considering the attitude of the American colonies in 1774, it is doubtful if there was any inclination to further complicate domestic troubles by adding to the unruly family. There was, therefore, no single adequate reason for creating a separate province. Nor would the situation be improved by annexing the territory to Pennsylvania or Virginia. On general principles these states were not at this time accepting favours from the court of George III. And, above all, the policy of controlling Indian affairs demanded concentration of authority. The value of the western trade depended on the attitude of the natives, and it was the firm conviction of Sir William Johnson and his associates that for the different colonies to meddle in Indian affairs would only prove disastrous. On the other hand, there were valid reasons for attaching this territory to Canada. Such settlement as there was was largely French ; its natural line of communication was with the Great Lakes and the St Lawrence. If control over the Indian trade was to be concentrated, Canada was the natural seat for such authority. In addition, the extension of French law and customs to the hinterland would operate as a most effective check on the westward expansion of the revolting colonies, and would serve as a means of enforcing proper subordination.

In the settlement of the laws of the colony Carleton's plan was adopted. In civil cases the laws of Canada were established as the rule of decision except in matters relating to lands granted in common socage or wills made according to

the laws of England. Resort to the criminal law of England was made general. To the new subjects the free exercise of the religion of the Church of Rome was granted subject to the king's supremacy, and the clergy were confirmed in their right to receive their accustomed dues from such as professed the Roman Catholic religion.

No serious change was made in the government of the colony. The act declared it inexpedient to call an assembly, and increased the membership of the existing council to a number not exceeding twenty-three or less than seventeen. Certain restrictions formerly existing were removed from the legislative power of the council, but its authority did not yet extend to levying taxes, except for local purposes.

The Quebec Act manifests a complete change in the attitude of the British government towards Canada. The proclamation of 1763 was the expression of a policy which contemplated the anglicizing of New France. It proposed the introduction of British laws and institutions so far as consistent with the obligations imposed by the Treaty of Paris. The conduct of the American colonies completely reversed the situation. The wisdom of the conquest of Canada was seriously doubted. North, Hillsborough, Germain and the second-rate statesmen who directed British policy thought they saw in the conquest of Canada one of the most potent causes of American disaffection. They looked back to the days when the power of France was supreme on the St Lawrence, and they saw the southern colonies prosperous and faithful in their British allegiance. Their small minds, unable or unwilling to see nearer home the true cause of disaffection, seized on what was little more than a mere coincidence as the root of their colonial troubles. Canada could not now be restored to France, but it could still be made French. Canada would remain British by becoming French, and could then be used as the instrument for subduing the revolting colonies. In a resort to arms the Province of Quebec occupied a position of the greatest strategic importance in any action against the southern colonies. With the loyalty of Quebec assured, French-

Canadian troops could be poured into the New England colonies and insurrection soon suppressed.

The object of the Quebec Act was twofold. It was designed, in the first place, to retain the loyalty of French Canada. But it expressed a deeper and more subtle purpose. By intrenching the French-Canadian race on the St Lawrence and by extending French-Canadian dominance to the vast hinterland, it was hoped to break and dispel the force of the rising wave of independence in the southern colonies. The Quebec Act was formed with an eye fixed, not on Quebec, but on Boston.

With this general policy Carleton was in firm accord, but his support was based on other and more practical grounds. The salvation of the American colonies he left to the statesmen of George III. ; his concern was the salvation of Canada. The policy of anglicizing Quebec had never won his support. He respected the nationality of French Canada and was determined to protect it against invasion. But the more practical consideration of climate operated against the policy of converting Canada into an English colony.

> The few old subjects, at present in this Province, have been mostly left here by accident and are either disbanded Officers, Soldiers, or Followers of the Army, who, not knowing how to dispose of themselves elsewhere, settled where they were left at the Reduction ; or else they are Adventurers in Trade, or such as could not remain at Home, who set out to meet their Fortunes at the opening of this new Channel for Commerce, but Experience has taught almost all of them that this Trade requires a Strict Frugality they are strangers to, or to which they will not submit ; so that some, from more advantageous Views elsewhere, others from Necessity, have already left this Province, and I greatly fear many more, for the same Reasons, will follow their Example in a few years. But while this severe Climate, and the Poverty of the Country discourages all but the Natives, its Healthfulness is such that these multiply daily, so that, barring a Catastrophe shocking to think of, this Country must, to the end of time, be peopled by the Canadian Race, who already have taken such firm Root, and got so great

> a Height, that any new Stock transplanted will be totally hid, and imperceptible amongst them, except in the Towns of Quebec and Montreal.[1]

How was the Conquest to be undone ? Every step which had been made in the direction of encouraging English settlement was to be retraced. All the rights and privileges which seemed most cherished by the French Canadians were guaranteed. The church was established in a position of honour and security ; the French feudal system, from which the habitant was gladly breaking away, was perpetuated ; the French civil law and custom was officially recognized ; French Canadians were admitted to the council ; trial by jury was denied ; English criminal law was maintained only because its severity would the better contribute to the support of French customs. The work of Chatham and Wolfe was to be undone. The New France of Colbert and Talon was to be restored.

A criticism of the Quebec Act must distinguish between its immediate and its more remote results ; and both must be viewed in the light of the purpose which inspired the passing of the measure. Its object, as has been seen, was twofold. It did preserve the loyalty of the classes which benefited by it—the clergy and the noblesse—and, in so far as the clergy and the noblesse possessed an influence over them, it retained the loyalty of the habitants. But during the ten years of British civil government—through no fault of theirs—both clergy and noblesse had lost their grip on the mass of the people. The authority of government, under British administration, was weakened. The habitant was given a taste of freedom, and the authority both of priest and of seigneur began to appear in the light of an unnecessary restraint. The French Canadians of this class—and they were numerous—remained loyal, not because of the Quebec Act, but in spite of it. In its more immediate purpose the Quebec Act was therefore only moderately successful. On the other hand, in its ulterior purpose the Quebec Act was a dismal failure ; for the New England colonies were not

[1] Carleton to Shelburne, November 25, 1767: *Constitutional Documents, 1759-1791*, Shortt and Doughty, 1907, p. 196.

intimidated by the presence of a French nation on the banks of the St Lawrence. The French Canadians they saw to be only passively loyal, refusing to take up arms to invade New England, or, indeed, to be drawn into the dispute between England and her rebellious children. Scarcely had the Quebec Act become law than the British colonies rose in arms, alleging as one of their main grievances the very act that was expected to be a bulwark of English rule in North America. The United States of America is the witness to the failure of this, the real purpose of the Quebec Act.

In considering their more remote results the provisions of the Quebec Act must be examined separately. Between the years 1763 and 1774 a new Canadian law was being formed by the ordinances of the governor and council. This body of law was being framed as occasion arose to meet particular conditions, and consequently differed both from the French-Canadian and the English civil law. French Canada seemed satisfied with this growing body of law, and it is doubtful if the restoration of French-Canadian civil law, as it was prior to 1759, was necessary. As it was, however, a complicated and uncertain code of civil law was perpetuated to cause endless dispute during succeeding years.

The virtue of the Quebec Act was its legal recognition of the Roman Catholic religion. Religion is one of the fundamental interests of the human being, and to a special degree is this true of the French Canadian. It has been the chief concern of his daily life. In 1774, it is true, there was no demand on his part for the legalizing of the payment of tithes. In some cases, where local conditions made the payment of tithes irksome, the government which sanctioned the system was made to bear the burden of its unpopularity. But in later years these minor grievances of the French Canadians were submerged in the assurance that their religion and their church were granted recognition by the British parliament and were thus secure against the attack of impious and designing hands. The clergy was made the ally of the government, and, though at times governors were inclined to doubt the loyalty even of the clergy, the weight of the church was to be found exerted on behalf of the crown and British connection.

From one point of view the Quebec Act proved to be a fortunate expedient. The framers of the Quebec Act had not contemplated the defeat of British arms in the American colonies or the migration of British loyalists to the Province of Quebec. From the time of the Revolutionary War French-Canadian nationalism was placed on the defensive. In passing the Quebec Act the British government unwittingly furnished it with a complete armour of defence. Had there been no bulwark of the Quebec Act to resist the attacks of the narrow, puritanical New England loyalists, a Canadian civil war, with religious prejudices as the inspiring motive, would have been not the least probable eventuality. The intervention of the British government — directed by other purposes — removed from the petty sphere of Canadian politics the question of the status of the Roman Catholic Church in the Province of Quebec. By one stroke it provided a safe solution for an issue which otherwise might have been drawn out into prolonged and bitter dispute.

But for this guarantee of the separateness of the French-Canadian nationality a heavy price was paid. A system of civil law was perpetuated which has proved an impediment to commercial progress and harmonious intercourse between the races. This body of civil law was of such a complicated character that even French lawyers disagreed in its interpretation. When it became necessary to introduce a popular assembly, French and English became arrayed on opposing sides on issues arising out of the interpretation of the civil code. This situation welded the French-Canadian race into a party and was responsible for the complications of 1837. Likewise, the granting by a single act of all the guarantees of French-Canadian nationalism placed nationalism — by nature none too tolerant—completely beyond the sphere of compromise. No further concessions could be made, and consequently the spirit of compromise—so necessary to the welfare of the two Canadian races—was robbed of its means of support.

The Quebec Act was its charter of liberties. It would have been impossible to have submerged the French-Canadian nationality in any race that could then have flourished on the

banks of the St Lawrence. Were an assimilation at any time possible—and it is doubtful if ever it were—such a course was finally put out of court by the loyalist invasions. French-Canadian Catholicism and New England Puritanism never could have mixed. The destruction of French-Canadian nationalism, had it been possible, would have been a national calamity. Nationalism has created its problems and will do so in the future, but it contributes to the wealth of the Canadian people an element which simply cannot be estimated. French-Canadian nationality is one of Canada's greatest assets, and for its preservation the credit belongs largely to the church of Quebec. But for the development of French-Canadian nationalism as an uncompromising political creed, with its instinctive tendency towards separation and isolation, the responsibility rests with the Quebec Act of 1774.

Duncan McArthur

NOTE BY THE EDITOR.—Opinions will always differ as to the wisdom of the Quebec Act. A somewhat different appreciation of the evidence is given in the essay which forms the introduction to this volume.

I have not presumed to alter the statement here given, but it must be remembered that in 1774 English commercial law was itself in its infancy, and that as a matter of fact the law of Quebec was able to assimilate most of what was best in it. I doubt if in point of 'simplicity' the English law had any great advantage, and am disposed to think that the writer underestimates the attachment of the French Canadians to their own system, and the tenacity with which they clung to it as being among the chief of their national possessions.

F. P. W.

PONTIAC'S WAR

PONTIAC'S WAR

Causes of the Indian Rising

WHEN Montreal capitulated the British considered themselves secure in their oversea empire. Naval victories had given them control of the ocean; France was in a bankrupt condition and could not transport an army to the St Lawrence even if she had been able to raise and equip one for the recovery of New France. From the Arctic to the Gulf of Mexico the English flag flew over every important fort. In the hinterland the French flag was still flying at isolated spots, but by the terms of Vaudreuil's capitulation all the territory as far west as the Mississippi passed under British control. It was deemed necessary to send only small bodies of troops to the forts along the Great Lakes and in the Ohio valley and the Illinois country. With no civilized foe opposing, the home government and the British commander-in-chief in North America considered the Indians, who, save for a few traders and settlers, occupied this territory, as a negligible quantity. The armies which had driven the French from Canada were disbanded, only enough soldiers being retained to man in a feeble way the forts in Great Britain's new possessions.

For this over-confidence the conquerors were to pay a heavy price. Hundreds of lives were to be sacrificed, and the western trade and settlement was to be retarded for years before British rule could be firmly established in the vast hinterland of Canada. Although the French armies had been shattered and French power ended along the region drained by the St Lawrence and its tributaries, French influence was still at work in North America. Louisbourg, Quebec and Montreal had fallen, but the French officials at remote western posts could not, or would not, believe that France

was hopelessly beaten, and used every means in their power to keep the Indians inimical to the British. Even when the fort commanders realized that it was vain to hope for the arrival of a French army in the St Lawrence, the traders and settlers at the western posts kept the Indians antagonistic to the invaders. At any price the hated foe must be kept out of the region around the Great Lakes and from the territory west of Pennsylvania and Virginia. Otherwise the fur trade, on which they depended, would pass into other hands. For the time being the trade of the St Lawrence was gone, but the Mississippi route was still open and the trade of the West might yet be directed that way, to their benefit and to the benefit of the French colony at New Orleans. Sir William Johnson, whose evidence is always reliable, was well informed, shortly after Pontiac's War began, that 'the Mississagas and Chippewas had been greatly encouraged by officials sent among them from the governor of New Orleans.'

It was not difficult to keep the savages hostile to the British. They looked upon the French as their brothers. They had always been treated kindly by them. Missionaries, *coureurs de bois*, traders and settlers had won their confidence. The traders and *coureurs de bois* had in many instances taken Indian wives. Again, the Indians had fought side by side with the French in notable victories against the British. Pontiac at Duquesne had led the Ottawas at the time of Braddock's defeat, had won the esteem of Montcalm and gloried in gifts received from that heroic leader. At the forts, where the Indians delighted to loiter in time of peace, they were welcome guests, never subject to insult. They had been loaded with presents, so lavishly indeed that gifts to the Indians had for years proved a heavy tax on the revenue of New France.

It was otherwise when the British took over the forts. While the French held half the continent English officials had vied with French officials in bestowing presents on the savages to win them to their cause or to keep them at least neutral; but when the French were driven out the services of the Indians were no longer required, and it was thought

that they were no longer to be dreaded. The gifts ceased ; at the settlements and forts the savages met with insult where they had been accustomed to kind treatment, and too often blows where they had been wont to receive a generous welcome. According to Johnson, a report went abroad that the English ' proposed their entire extirpation.' Major Gladwyn, in April 1763, writing from Detroit said : ' They say we mean to make Slaves of them by Taking so many Posts in the Country, and that they had better attempt something now to Recover their liberty than to wait until we are better established.' This was believed, and in self-defence the Indians determined to strike the first blow, and to strike hard. While Pontiac's War was to be exclusively an Indian war, behind the Indians was an insidious force rousing them to battle. Pontiac and his confederates were in a large measure tools in the hands of French officials and traders, particularly those of the Mississippi.

Sir William Johnson was thoroughly awake to the situation. In November 1763 he informed the Lords of Trade that the Indians had concluded that the British ' had designs against their liberties, which opinion had been first instilled into them by the French, and since promoted by the traders of that nation, and others who retired among them on the surrender of Canada and are still there.' The French expected through the rupture to ' draw the valuable furs down that river [the Mississippi] to the advantage of their colony and the destruction of our Trade.' A year later Johnson wrote to the Lords of Trade in the same tenor :

> It now appears from the very best authorities, and can be proved by the oaths of several respectable persons, prisoners at the Illinois and amongst the Indians, as also from the accounts of the Indians themselves, that not only many French traders, but also French officers came amongst the Indians, as they said, fully authorized to assure them that the French King was determined to support them to the utmost, and not only invited them to the Illinois, where they were plentifully supplied with ammunition and other necessaries. . . . That in an especial manner the French promoted the interests of Pontiac.

Johnson knew, too, that with good reason the hearts of the Indians were with the French. He wrote :

> The French (be their motive what it will) loaded them with favors, and continued to do so, accompanied with all the outward marks of esteem and an address peculiarly adapted to their manners, which infallibly gains upon all Indians, who judge by extremes only, and with all their acquaintance with us upon the frontiers, have never found anything like it, but, on the contrary, harsh treatment, angry words, and in short anything which can be thought of to inspire them with a dislike to our manners and a jealousy of our views.

According to Johnson, the French traders were 'men of abilities, honor and honesty'; the English 'for the most part men of no zeal or capacity; men who often sacrificed the credit of the nation to the basest purposes.' He adds: 'What then can be expected but loss of trade, robbery, murder of traders, and frequent general ruptures.'

Johnson was not the only one who deplored the English treatment of the red man. In 1786 there appeared in London a somewhat remarkable tragedy entitled *Ponteach: or the Savages of America*. Parkman is of the opinion that Major Robert Rogers had a hand in its composition. It is a sweeping condemnation of the attitude of the English traders towards the savages and to a large extent justifies the Indian rising of 1763. According to one of the characters (a trader) in this drama :

> Our fundamental maxim then is this,
> That it 's no crime to cheat and gull an Indian.

Nor was it a crime to murder the savages and make off with their packs ·

> But as they live like Beasts, like Beasts they die.

The traders from the British colonies were in many instances guilty of murder and robbery; all debauched the Indians with rum, and with few exceptions cheated and overcharged them. The loss of life and the destruction of property along the frontier during the years 1763-64 were largely in the nature of a judgment for sins committed against the destroyers.

The French desire for vengeance on the conquerors, the French traders' hope of retaining control of the fur trade, and the attitude of English officials and traders and settlers towards the savages were the true causes of Pontiac's War.

Taking over the Western Posts

In September 1760 Major Robert Rogers was sent from Montreal by Sir Jeffrey Amherst to receive the surrender of the western posts included in Vaudreuil's capitulation. On November 7, as he advanced up Lake Erie to Detroit, he met Pontiac at the mouth of a stream called by him Cahogage. He explained the situation to the Ottawa chief, and that wily savage professed himself ready to smoke the pipe of peace with him. Pontiac's ambition was to be a sort of Indian prince with authority over many confederated tribes. If the French could no longer support him in his ambitious plans, their conquerors might be of service to him. The meeting was a friendly one, and had Pontiac been treated at this period with proper tact the destructive Indian war might have been avoided. However, little consideration was given to him or other chiefs. In the eyes of the British they were all brutal savages, to be treated with contempt. Johnson and Rogers were exceptions, and, due to the influence of the former, the Iroquois, on the whole, were to remain neutral during the war.

Rogers sent a messenger in advance to Captain Belêtre, in command at Detroit, informing him of the capitulation and preparing him to surrender the fort. But Belêtre refused to credit the news and exerted himself to rouse the Indians along the Detroit River to resist Rogers's force. When Rogers arrived at his destination he sent Captain Campbell to Belêtre with a copy of the capitulation and a letter from Vaudreuil. Belêtre could only yield, and the fleur-de-lis was pulled down from Fort Detroit and the British ensign raised in its stead. There were seven hundred Indians present on the occasion, and their savage yells of joy seemed to augur well for the new government. Pontiac was playing his part. This change might mean greater power

for him, and he cared not who occupied the posts so long as he benefited. He would have preferred the French, but their sun had suffered eclipse, and an Indian has little use for an impotent ally.

Storm and the lateness of the season prevented the British from taking over the other lake posts for the time being, but Forts Miami and Ouatanon, to the south, were occupied and preparations made, with the return of spring, to take possession of the other forts. When the rivers and lakes were once more clear of ice a detachment of the 60th regiment, the Royal Americans, was sent to the West, and soon all the forts claimed by the British, save Fort Chartres on the Mississippi, were grudgingly handed over by their commanders, and the entire region yielded by Vaudreuil passed for ever from French rule.

In 1761 the British flag flew over Fort Niagara, at the mouth of the Niagara River; Fort Schlosser, immediately above the Falls; Fort Presqu'Isle, on the southern shore of Lake Erie; Forts le Bœuf, Venango and Pitt, directly south of Presqu'Isle; Fort Miami, on the Maumee; Fort Ouatanon, on the Wabash; Fort Detroit, on the Detroit River; Fort Sault Ste Marie, at the entrance to Lake Superior; Fort Michilimackinac, between Lake Huron and Lake Michigan; and Forts l'Arbre Croche and St Joseph, on the eastern shore of Lake Michigan. Fort Chartres alone continued to fly the French flag.

The troops, small in number and badly supplied, at all these points were living in a false security. All about them was growing discontent among the savages. The happy days of gifts, kindly treatment and abundant ammunition were at an end. Many of them were brought to the verge of starvation, and, to add to the unrest, unscrupulous traders from the British colonies were flocking into the country, and land-grabbers were crossing the Alleghanies and settling on their lands. The Shawnees and Delawares, and even a portion of the friendly Six Nations, were assuming a warlike attitude, and the French among them were keeping their enmity against the intruders at fever heat.

Pontiac

Pontiac was recognized as the greatest Indian warrior of his time, and all eyes were turned towards him. He had hoped for increased power and prominence under the British, but as the months sped by he saw how vain was his hope, and his early feigned friendship turned to the intensest hate. Pontiac now began to plot the destruction of the British in the Indian country. He sent messengers with war-belts to the widely distributed tribes scattered from the western plains to the mouth of the Mississippi. The savages began to settle in large numbers in the immediate vicinity of the forts and made ready to seize the opportune moment to make a simultaneous attack on the British posts. Meanwhile the French were at work. They spread a report among the savages that the armies of the king of France were advancing up the St Lawrence and the Mississippi to recover the lost territory. Gifts of arms, ammunition, clothing and provisions were liberally bestowed on the Indians, and everything done in a covert manner to set them against the English.

In 1761 there was a rumour of an Indian rising, but Captain Campbell, then in command at Detroit, acted with such promptness and wisdom that it was prevented from coming to a head. Again in the summer of 1762 another outbreak threatened, but it too was checked in time. Early in 1763, shortly after the signing of the Treaty of Paris, Pontiac had all his preparations made for a general uprising at all the forts. So stealthily had he done his work that at not a single fort were the troops aware of the threatened danger.

Pontiac made his summer headquarters on an island at the entrance to Lake St Clair. He was thus in touch with the strongest position of the British in the Indian country. Near Fort Detroit were three populous Indian villages: the Ottawas, four miles above the fort; the Pottawatamies, one mile below; and the Wyandots, on the eastern side of the river. Each shore was dotted with the homes of French settlers, friendly to the savages either through fear or a desire for vengeance. Pontiac no doubt thought that with

the downfall of Detroit, which he fully expected to accomplish, British power in the West would be broken.

Pontiac was an astute, ambitious, crafty savage, with a marvellous influence over the Indians. He had all the primitive savage's characteristics. There was little of the heroic about him. His personal acts of cruelty and the manner in which he permitted the torture of prisoners, and even cannibal orgies, among his confederates showed that he was lacking in those noble traits of character for which Tecumseh, the great Shawnee chief, was afterwards distinguished. But he had fine organizing power, and while the British commander-in-chief hopelessly failed to grasp the Western situation, and the British troops lived in a false security within their palisaded forts, he had planned an uprising that was intended with one swift stroke to put an end to British power in the Indian country. This uprising against forts hundreds of miles apart was to take place simultaneously. The forts were to be seized and the garrisons slaughtered. Pontiac had little doubt but that he would succeed. At the forts were barely men enough to keep them in repair, and so widely scattered were the posts that no one fort could be of material assistance in time of danger to any of the others. At the beginning of 1763 Pontiac was ready to commence his work of destruction. His war-belts had been effective. It has been computed that fully fifty-six thousand warriors were ready to answer his call to arms.

Designs against Detroit

Detroit was the first position to be attacked. As a preliminary movement Pontiac called a council of the tribes at the River Ecorces and laid his plans before the various chiefs. He addressed the assembly with vehement words; reminded them of Braddock's defeat and declared that the British troops must now be smitten as they were at Duquesne. The Great Spirit had commanded the Indians to wipe them off the face of the earth. The scheme of operations he presented to the assembled braves was approved and preparations made for the capture of the fort.

Detroit was not a strong position. It was a stockaded

fort on the west side of the river. It had a blockhouse over each gate and a bastion at each corner; the palisades were twenty-five feet high, and the whole was surrounded by a moat. In the blockhouses and bastions were a few light guns. The fort had a garrison of 8 officers, 120 soldiers, and at the time of the outbreak 45 traders were in the place. Fortunately the commanding officer was an able one. Few British soldiers in America proved themselves more wise, watchful and courageous than did Major Henry Gladwyn during the trying months of siege his post experienced. The fort had the support of two small schooners, the *Beaver* and the *Gladwyn*, whose courageous crews did essential work in helping the beleaguered garrison.

Pontiac's first move was to get definite knowledge of the strength of Detroit. For this purpose, on May 1, he, with forty warriors, gained entrance to the fort, and, while the majority of them entertained the officers with a calumet dance, the remainder moved about the garrison, examining the place, noting the weak points, the number of the soldiers and their preparedness to resist attack. A second council was called, and Pontiac then proposed his final plan. A number of chiefs were to be chosen for the great enterprise. These were to gain admittance to the fort under the pretence of discussing important matters with Gladwyn. Each was to carry under his blanket a musket, of which the barrel had been shortened. At a signal from Pontiac the officers were to be shot down, and in the panic which would ensue the unprepared garrison was to be slaughtered.

On May 6 Gladwyn received a detailed account of this plot; from whom it is not definitely known. His informant has been variously stated to have been a French settler, an Ottawa warrior, an old squaw, and a young Ojibwa squaw named Catherine who was in love with Gladwyn. No doubt, on account of the romantic interest attached to the last story it has been the generally accepted one, but there is less evidence for its truth than for that of any of the others.

On the 7th of the month, when the warriors arrived, they were readily admitted, but, to their chagrin, they saw officers, soldiers and fur traders armed and on the alert,

as if suspecting treachery. With stoical self-control they showed no sign of their disappointment, and after conferring with Gladwyn filed out of the fort with increased hatred in their hearts. On the 9th Pontiac, with a large band of braves, once more sought entrance, but was sternly refused. Pontiac then threw diplomacy to the winds, and hostilities were commenced. His warriors rushed to the houses of several British settlers living in the vicinity of Detroit and began their work of tomahawking and scalping. An assault lasting six hours was made on the fort. In this preliminary engagement five of the garrison were wounded and the Indians, fighting from cover, sustained trifling loss. On May 11 another attack was made by six hundred warriors, but was repulsed. For six weeks there was a continuous series of assaults. Buildings near the fort gave the skulking savages protection, and volunteers from the garrison bravely sallied forth and gave these to the flames. Early in the siege an effort was made by the interpreter, La Butte, and two citizens of Detroit, Chapeton and Godefroy, to bring Pontiac to terms. Pontiac requested that Captain Campbell, an officer held in much respect by both the French and Indians, should visit him in his camp to discuss the situation. Contrary to the advice of Gladwyn, Campbell visited the chief accompanied by Lieutenant McDougall. Both officers were harshly treated and kept prisoners. McDougall ultimately escaped, but Campbell was at length brutally murdered. This crime, which Pontiac permitted, was sufficient in itself to take away all sympathy from him and his cause.

The garrison was in a dangerous position. They were surrounded on all sides by enemies, and supplies were cut off. Provisions and munitions of war had been sent by the lake from Fort Schlosser in a number of barges under Lieutenant Cuyler, but on May 28 the party had been ambushed at Point Pelee and sixty men killed or taken prisoners. Lieutenant Cuyler with some thirty men escaped. The prisoners were taken to Detroit, where they were tortured and mutilated. Starvation threatened, and, unless relief soon came, surrender would be inevitable. But the soldiers bravely lined the ramparts day and night for two months, and a

warrior need only show himself to be picked off. The Indians were not the only enemies to be feared. On July 8 Gladwyn wrote :

> It will Appear ere long that One-half of the Settlement merit a Gibbet, and the Other Half ought to be Decimated. Nevertheless, there is some Honest Men among them to whom I am Infinitely Obliged ; I mean, Sir, Monsieur Navarre, the two Babys & my interpreters, St Martin & La Bute.

In the early days of the siege one of the Babys undoubtedly saved the situation for the British by supplying the garrison, at great risk, with cattle, hogs and other provisions. Nor were these the only friends of the English among the French. The Jesuit missionary, Father Pothier, for a time kept a part of the Wyandots neutral, and at Michilimackinac Father Jonois proved himself their true friend. There is, besides, evidence that French traders had warned the commanders at several of the forts of the impending outbreak.

In the latter part of June one of the schooners brought from Fort Schlosser reinforcements and provisions, and the outlook was thereafter more hopeful. Tidings, too, reached Detroit of the Peace of Paris. The effect of this news was to arouse Pontiac to greater effort, and he even went so far as to try to force the French settlers to join him in active warfare, but only a few renegades did so.

Capture of the Western Posts

Meanwhile it had been faring ill with the other forts in the Indian country. On May 16 Fort Sandusky was captured and burned, the soldiers slaughtered and Ensign Paully, the commander, taken prisoner to Detroit. On the 25th Fort St Joseph shared the same fate, and eleven soldiers were killed and Ensign Schlosser and three men taken prisoners. On the 27th Ensign Holmes was seduced out of Fort Miami on a charitable mission. He was treacherously tomahawked and his men were forced, under threat of torture, to open the gates. On June 1 Lieutenant Jenkins, in command of Fort Ouatanon, and

several of his soldiers were made prisoners by stratagem and the fort surrendered. On the 4th of the month, the birthday of King George III, when the garrison of Fort Michilimackinac were enjoying a holiday, the savages entertained them with a game of lacrosse. During a critical moment in the game the ball was adroitly thrown towards the open gates. In an instant a howling mob of players was rushing towards it. They threw down their sticks and seized Captain Etherington and Lieutenant Leslie, who were watching the game. Stolid, blanket-clad squaws were standing near the gate ; under their blankets they carried hatchets ; these the players seized, and in an instant Lieutenant Jamette and fifteen rank and file, and a trader named Tracy, were killed. Two others were wounded ; the rest were taken prisoners. The traders in the fort, among whom was Alexander Henry the elder, who has left a thrilling narrative of the capture of Michilimackinac, were made captive and their merchandise seized. Fort Presqu'Isle made a stubborn resistance to the attack of two hundred warriors, but at length Ensign Christie and his garrison of twenty-four men surrendered and were carried off to Detroit. On the 18th Fort le Bœuf, garrisoned by Ensign Price and thirteen men, was attacked and set on fire. The garrison escaped by the rear, and Price and seven men reached Fort Pitt eight days later. The fate of the remainder of the garrison is unknown. Fort Venango fell, probably on the 20th of the month, but Lieutenant Gordon in command and all his men were slaughtered, and both the manner of its capture and the tribe which captured it are unknown to history. Fort Ligonier was attacked on the 21st, but Lieutenant Blaine was able to report the repulse of the enemy. Fort Pitt was constantly threatened, and towards the end of July sustained several assaults, but through the courage and military skill of Captain Ecuyer was able to offer a successful resistance. During the preceding winter the fort at Sault Ste Marie had been partly burned and the garrison was in Michilimackinac at the time of the uprising. The garrison of L'Arbre Croche abandoned their fort on June 21. At the end of June, six weeks after Pontiac began his memorable struggle, there was not a British soldier,

save those at Detroit and in the hands of the Indians west of the Niagara River, in the Great Lake region. The capture of all these posts had been largely due to stratagem. The Indians sought admission under the guise of friendship, and the unsuspecting garrisons extended a welcome to them only to be slain or carried off as prisoners.

Bloody Run and Bushy Run

Meanwhile the situation at Detroit was still critical. Attacks continued and the garrison was kept ever on the alert. However, on July 29 Captain Dalzell, an experienced Indian fighter, who had left Fort Schlosser in June with twenty-two barges carrying a force of 280 men, a supply of provisions, ammunition and several small cannon, arrived at the fort. Dalzell was a soldier who believed that attack is often the best mode of defence, and so on the day following his arrival he urged Gladwyn to allow him to take a body of 250 men out to attack Pontiac's camp and, if possible, make that noted chief a prisoner. Gladwyn had learned discretion from experience and was reluctant to permit the sally, but so insistent was Dalzell that he at length consented. In the early morning of July 31, before the break of day, the troops filed out of the gates and advanced towards Pontiac's position; but Pontiac, who had his agents everywhere, had received timely warning of the movement, and had skilfully placed a strong force of Indians in ambush along the banks of a stream called Parents Creek. When the British reached this spot they were met with a heavy fire from an unseen foe. After a short, sharp fight they were forced to retreat with a loss of twenty killed and thirty-nine wounded. Dalzell himself made a gallant stand in the rear of his retreating men, protecting the wounded, and his courage cost him his life. The heavy loss sustained caused the engagement to be known as Bloody Run, but Pontiac gained nothing but momentary satisfaction from his victory, as the fort was now too well garrisoned and provisioned to be reduced by an enemy which was without engineers, or guns with which to breach the walls.

While Gladwyn was maintaining such a noble resistance

to an overwhelming force a new actor came upon the stage, and the whole course of the struggle was suddenly to undergo a change. On August 5 Colonel Henry Bouquet, with a strong contingent of regulars, was surrounded by a host of Indians at Edge Hill. On the first day of the battle he maintained his position and prevented the destruction of his troops. He took up his stand in the evening at a place since called Bushy Run and waited the morrow, and with consummate skill made his preparations. On the 6th the Indians came against them, confident of treating his men as Braddock's army had been treated. But they had no Braddock to deal with. With reckless daring the savages attacked Bouquet's centre. After a volley or two the British soldiers at this point, acting on Bouquet's orders, retired. The Indians, with triumphant yells, pressed after them, only to find themselves subject to a destructive flank fire. Panic seized them and they fled the field in a wild rout, leaving large numbers of dead and wounded behind. In the fights at Edge Hill and Bushy Run Bouquet lost 50 men killed, 60 wounded and 5 missing—a heavy price to pay for victory; but it was effective. The Indian confederacy was smashed. The savages saw that their cause was hopeless and could no longer be induced to take concentrated action, and no other battle of importance took place during Pontiac's War.

When news of Bushy Run reached Detroit some of the chiefs sued for peace, and in November the siege was raised. However, though there was peace on the frontier during the winter of 1763-64, Bouquet and Gladwyn made preparations for further fighting in the spring.

On October 31 a messenger arrived at Detroit from Fort Chartres bearing a letter from Neyon, the commandant at that post—a letter sent at the demand of Sir Jeffrey Amherst. This letter warned Pontiac that the Indians could expect no help from the French, that the French and English were now at peace, and advised the Indians to lay down their arms. This message undoubtedly had much to do with Pontiac's action in raising the siege. On its receipt he expressed a desire for peace, and even hypocritically asked that the British commander-in-chief 'would forget the past.'

The Tragedy of Devil's Hole

During this summer Fort Niagara, on account of its strength, had escaped attack, but within sound of its guns one of the greatest tragedies of the year occurred. On September 14 a party of twenty-four men were escorting a wagon-train and pack-horses loaded with supplies from the lower landing at Lewiston to Fort Schlosser. As they were skirting the high bank of the river at the point known as Devil's Hole they were suddenly fired upon. In a panic, horses and men tumbled over the precipice, and all but three perished. The three survivors were Philip Stedman, one of the escort, who dashed through the surrounding savages; a drummer-boy, who, falling over the cliff, was caught in a tree; and a wounded teamster, who managed to conceal himself in the bushes. The firing was heard at the lower landing, and a body of troops was sent out to the assistance of the convoy. Once more the savages lay in ambush, and as the men of the 60th and 80th regiments recklessly advanced they received a concentrated fire from a body of Indians estimated at 500. Only 20 escaped unwounded; 5 officers, 76 rank and file were killed and 8 wounded. Major Wilkins, who was in command at Niagara, when he learned of this disaster, hurried forward with every available man. But the Indians had disappeared with the plunder of the convoy, and the only trace of the fight was the scalped and mutilated bodies of the British soldiers. The Indians who caused this disaster were Senecas of the Six Nations, so that, either from greed for plunder or indignation at the invasion of their territory by the British, these ancient friends of England were in arms against her.

Nor was this the last disaster of the year. Detroit needed provisions, and Major Wilkins, early in November, left Fort Schlosser with a fleet of bateaux. A treacherous autumn storm drove the boats ashore on November 7 with a loss of 3 officers, 4 sergeants and 63 privates. The shattered remnant of the fleet returned to Fort Schlosser, and when tidings of the affair reached Gladwyn he was forced, on account of scarcity of supplies, to send all but 200 men to Niagara.

Closing Events of the War

Amherst had asked to be relieved of his command, and in November he was replaced by General Gage. Gage, unlike his predecessor, was fully alive to the critical nature of the situation, and at once made preparations for an active campaign in the spring.

In June 1764 Colonel Bradstreet, who had won renown in 1758 by his capture of Fort Frontenac, was sent up the Great Lakes with a force of 1200 men. At Niagara he found an immense gathering of over 2000 savages whom Sir William Johnson had summoned to a council. There were present Indians from the north of Lake Superior, from the Mississippi, from the Illinois country, and even, it is said, from the Hudson Bay region. Treaties of peace were concluded with the various tribes represented, and a strip of land four miles wide on each side of the river between Lakes Ontario and Erie was ceded to the British government.

After these negotiations were ended Bradstreet took leave of Johnson and continued his journey. At Presqu'Isle alleged delegates from the Shawnees and Delawares waited on him, and he very unwisely concluded a treaty of peace with them, instead of punishing them for their depredations, as he had been instructed to do. Wyandots, Miamis and Ottawas met him at Sandusky, and these too he treated in a friendly manner. He then proceeded to Detroit, where he arrived on August 26, much to the relief of Gladwyn and his garrison, who had now been in a state of siege for over fifteen months, and at all times in danger and compelled to be on the alert.

Pontiac had fled to the Maumee, still breathing defiance. His followers in the vicinity of Detroit were ready to make peace. An open-air meeting was held on September 7, 1764, at which Ottawas, Ojibwas, Pottawatamies, Miamis, Sacs, Wyandots and others were present. These acknowledged the sovereignty of the king of England. In these treaties Bradstreet showed an over-eagerness to make friends with the savages, and thus to some extent injured the British cause. The treaties were duly signed, but the warriors in the Ohio

country and elsewhere continued their work of tomahawking and scalping. General Gage disavowed the treaties, and Bouquet ignored a message sent him by Bradstreet telling him that there was now no occasion to invade the Ohio country, as, by his diplomacy, peace had been brought to that region. Bouquet, in the autumn of 1764, marched through the Ohio wilderness to Fort Pitt with a force sufficient to crush down all opposition. His daring and stern attitude towards the savages brought about an effective peace in the Ohio valley.

In the following year a body of troops was sent to Fort Chartres, and St Ange, the commander, handed over the last post held by the French on the east of the Mississippi.

Affairs dragged on slowly to a conclusion. In August 1765 George Croghan, the deputy superintendent of Indian Affairs under Sir William Johnson, after a perilous journey of over a year among the Indian tribes of the Ohio and the Illinois country, arrived at Detroit and summoned a general meeting of the savages for the purpose of securing peace. Pontiac was present on this occasion, and his spirit seems now to have been broken. Bouquet and Gladwyn, the one by his aggressive work in the field, the other by his gallant defence of Detroit, had destroyed his hopes, and he was ready to make peace. The Indians submitted to the terms offered and agreed to bury the hatchet, and Pontiac, with affected humility, said : ' I now deliver my pipe to Sir William Johnson that he may know that I have made peace, and taken the King of England to be my father, in the presence of all nations now assembled.' The Pontiac War was thus practically brought to a close. By the Treaty of Fort Stanwix (1768) the boundaries of the Indian territory were defined and the British were granted the right to settle, under certain conditions, along the Western frontier.

The war had been a destructive one : over two hundred traders had been killed; several hundred British soldiers had been slain; forts and private property had been destroyed ; and hundreds of women and children had been carried into captivity. Trade and settlement had been retarded, and it took some years for the Western country to recover from the

results of Pontiac's War. But good came out of evil. Through bitter experience the attitude of the British towards the savages was changed, and, under the direction of Sir William Johnson, a policy was inaugurated that kept the natives, with few exceptions, loyal to the British during two great wars, the War of the Revolution and the War of 1812.

Pontiac's fate was a tragic one. After agreeing to the peace at Detroit he moved about from tribe to tribe like an unquiet spirit. At the French forts on the western side of the Mississippi he was still a welcome guest, but the French could in no way help him to regain his old power. The English he still hated, but he was impotent to do them injury. His deeds were remembered, and the traders in the hinterland had vengeance in their hearts against one who had slain so many of their friends. In 1769, near the Fort of St Louis, he was treacherously tomahawked by an Illinois warrior, bribed, probably, to the deed by an English trader.

T. G. Marquis

CANADA AND THE AMERICAN REVOLUTION

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I

THE CONTENDING FORCES

A Widespread War

IN 1775-76 Guy Carleton saved Canada by operations which were distinctive both in time and place. They were finished in the first two years of a struggle which lasted six more ; and they were carried on within or about the frontiers of Canada herself, while the area of strife subsequently spread over most of the civilised world. Nevertheless they were parts of a greater whole, and their special significance cannot be understood without reference to the general war.

This general war was something vastly more complex than any mere struggle between a king and his subjects, a mother country and her colonies, or the British and Americans. On one side stood the home government and the loyalists in America ; quite alone throughout the war. On the other stood the home opposition in politics and the American revolutionists in arms, but not alone, except at first. For presently France and Spain and Holland joined the enemy in arms, and later on the Germans, Prussians, Russians, Swedes and Danes formed the hostile armed neutrality of the north. The situation was complicated by the fact that while the opposition thwarted the government unceasingly in the American part of the war, most of them resented the armed intervention of foreign powers in Europe. But the broad line of hostile division remains : on one side, two British parties—the home government and the loyalists ; on the

other, first, one British party, the opposition, in strong political hostility to everything the government and loyalists did in America ; next, another British party, the American revolutionists, waging civil war ; then, three foreign powers —France, Spain and Holland—aiding this civil war with forces greater than its own ; and, finally, five other foreign powers forming an armed coalition against the British rights of search at sea. The British government and loyalists were defeated. The Americans were on the winning side. They were the original and constant antagonists, the war took its name from them, and its peculiar circumstances naturally gave them more than the lion's share of the spoils. But as they numbered only three millions, some of whom were lukewarm and others fervent loyalists ; as their general resources were those of a new and undeveloped country ; as they had to evolve an army out of a militia which possessed no higher organization and little else than infantry ; and as they never got beyond a new-born navy, though the command of the Atlantic was all-important—it is self-evident that the one purely American factor in determining the victory could not have exceeded the sum total of all the nine non-American factors—the political support of the British opposition, the armed intervention of France, Spain and Holland, and the armed neutrality of the five other powers ; which last practically meant that all the navies of the world were arrayed against the British just at the crisis of the war. Thus the Americans enjoyed all the fruits of a victory which was at least half won by other means than theirs.

At the beginning of the struggle, however, they were alone and weak. But the home government was weak too ; its forces in the united colonies were weaker still, and those in Canada weakest of all. The Americans lacked political unanimity, military organization and warlike stores. But they fought at home and their leaders knew their own minds. The British leaders, on the other hand, never had a settled policy of any sort, either in England or America. They were second-rate men in parliament, where they were effectively hampered by opponents like Pitt, Burke and Fox.

And they were second-rate men at the front, where they were ordered about on all sorts of disjointed expeditions, but never once co-ordinated into a single strategic plan. The government twice tried to make peace at unpropitious times and by offering unacceptable terms. When they did approve the right plan, long foreseen by Carleton, of cutting the colonies in two by holding the line of Lake Champlain and the Hudson, their wretched war minister, Lord George Germain, neglected to order Howe to co-operate from New York with Burgoyne, who was advancing from Canada. Politics and plans were all imperfectly conceived and badly executed; and the generals were no better than the plans. Many of them were politically allied to the opposition and did their work half-heartedly. Howe was a strong Whig; Burgoyne became a follower of Fox; Clinton had Whig connections; and Cornwallis voted against taxing the colonies. It was a makeshift war all round. But foreign aid held the British command of the sea in check long enough to let American Independence become an accomplished fact.

Only four men rose to real distinction in all the eight years of this makeshift war—Washington, Paul Jones, Rodney and Carleton. Washington alone achieved universal fame. British prejudice has dealt hardly with Paul Jones, who was a Scotchman by birth though a Virginian by choice. But he was undoubtedly one of the very best captains ever seen, he gave promise of being an equally good admiral, and he was the original and creative founder of the United States navy. Rodney won a great resuscitative victory in the West Indies. But this, like Carleton's appointment as commander-in-chief of all His Majesty's forces in America, only happened in 1782, when it was much too late to affect the issue of the Revolution. Thus British vacillation and ineptitude denied either a good admiral or a good general all chance of subduing the revolted colonies. However, Carleton found for himself one desperate last chance in Canada, took it with consummate resolution, and so became the one great British soldier-statesman of that untoward time.

The Defences of Canada

After the Conquest in 1760 Canada was under the benevolent military rule of Murray and Carleton. These two excellent soldiers—like many another in their position—had to protect the conquered, not against the generous army, navy and government of the conquerors, but against the parasitic class of camp followers that never fights but always tries to exploit any weakened people in the distressing interval between the clash of arms and the resumption of settled business. They did their work well, so far as their very imperfect means allowed them, and they earned the undying gratitude of the French-Canadian race. But they did not receive the support from England which they had a right to expect. The government there had fallen into the hands of lesser men, who tried cheese-paring economies to offset the legitimate expenditure of the Seven Years' War, and who were so distracted by American affairs that they had hardly a glance to bestow on the defence of Canada. They let the navy deteriorate rapidly, in spite of the patent fact that, from 1765 onwards, the French navy was being rapidly strengthened in a way it had never been before since the days of Colbert. The army, too, was allowed to become even worse than it had been during the worst periods of the whole century. The standard of living had risen in civil life, but nothing was done to raise it in the services. Pay, treatment, discipline, drill and organization—all were bad. There had been a serious mutiny in 1763 at Quebec, caused by an idiotic ministerial order that the troops should pay for their rations, though the already insufficient pay itself was not raised a penny. So when the opposition did everything they could to prevent recruiting, it was not surprising that any man, however unfit, was kept in the depleted ranks, and that recourse was had to Hessian mercenaries.

Carleton's position was very precarious, and more so than he thought. Both he and Murray had repeatedly advised the government to employ the French-Canadian seigneurs and gentry in the service of the crown. He had even proposed the raising of a Canadian regiment. But the

craze for a penny-wise economy, and the many distractions elsewhere, prevented any attention being paid to the subject till too late. Carleton himself must share some of the blame, because he undoubtedly over-estimated the general loyalty of the French Canadians to the new régime and the immediately beneficial effects of the Quebec Act of 1774. He so misled the ignorant government that when the crisis came they ordered him to raise first three thousand and then six thousand Canadians at once. They might as well have said a million. They had relaxed every means of governing and leading a people accustomed to strong personal rule, left Canadian life in a state of flux, and done nothing to foster the military spirit. So, in spite of their general benevolence towards the conquered, they had failed to make Canadians realize that there could be no Canadian future outside the British Empire. Carleton of course saw this, as did the Canadian priests and leading laymen. But he was unduly optimistic in supposing that the people at large saw it too. He is, however, decidedly entitled to the benefit of the doubt whether his optimistic forecast would not have been realized if his wise counsels had been followed from the very first.

But whatever the reasons, the fact was that he found himself left to safeguard the whole of Canada with a handful of regulars (not much over one thousand effectives), another handful of men raised from the disbanded remnants of Wolfe's army, a little body of the new Anglo-Canadians, the small proportion of French Canadians who really understood the issues involved, and a few little men-of-war and some small merchant vessels. These quite inadequate forces were thinly spread over the whole country from Quebec to the Great Lakes. He had sent two battalions to Boston in 1774 in answer to an urgent call. When he required a like force back in 1775, Admiral Graves refused to sail it up the St Lawrence in October. The Indians, who have always been better cared for on the British than on the American side, were so much restrained by Carleton, who wanted to make it a white man's war, that they hardly knew what to do. Moreover, the revolutionists were strong in Montreal, considerable in Quebec, and active in their propaganda everywhere. Their

plausible agents, with the assistance of some French Canadians who either chose, or were bought into, the revolutionary cause, went about the country parishes telling the habitants that the British authorities had concocted plans to enslave them at home and carry off their young men to fight British battles in foreign parts. Then there were all the usual rumours that run like wildfire among an ignorant and credulous people on the approach of unknown danger. At one time there were said to be seven thousand Russians coming up the St Lawrence. Montgomery had five thousand men. Arnold's rangers were bullet-proof. Carleton was going to seize all habitants who joined the enemy and burn them alive. The Quebec Act, which the revolutionists had been furiously opposing, because they thought it too favourable to the Roman Catholics and French Canadians, was now denounced to the habitants as an insidious attempt to take away their British liberties and prevent their adopting American liberties instead. This propaganda succeeded so far as to win over the worst of the people, and unsettle the mass of them by poisoning their minds against their own leaders and the British government. Among the English-speaking population of Canada it was naturally much more effective, as so many had come in from the American colonies. A magistrate of Montreal named Walker was particularly rancorous and active. In 1767, after having made himself unbearably obnoxious to the garrison, he was soundly thrashed. This, of course, was a most illegal act, however human, and it embittered him and his kind more than ever.

On a small scale there grew up a habit of baiting the military, under cover of the constitution, analogous to the systematic baiting in vogue at Boston, where, although the orders of the British authorities that the troops were never to retaliate were kept with wonderful discipline under the strongest provocation from mobs and magistrates, yet the mob assaults continued unchecked until one day some soldiers did fire in self-defence during a particularly savage attack, thus turning a mob-made brawl into what the Americans called the 'Boston Massacre.' The magistrates, no whit behindhand, magnified every offence committed by a soldier

into a grave crime, imposed fines which they knew the soldiers could not pay, and, in at least one instance—officially reported on July 2, 1769—sold a man into plantation slavery in default of such fine. All this hatred was reflected, in a minor way, by the revolutionary party in Montreal and Quebec. Of course, there was another point of view. Whenever, before or during the war, Americans were imprisoned as 'rebels' they were still more embittered, as they, quite naturally, thought themselves belligerents in a better cause. 'Remember Portsea gaol!' shouted Paul Jones's first lieutenant as he headed the boarding party which took the *Serapis*. There were doubts, perplexities, misunderstandings, rights and wrongs on both sides. But, as very often is the case in troublous times, the revolutionists were more bitter and far more outrageous than the authorities.

This was the Canada that Carleton now had to defend: a country whose few English-speaking people were half rebellious and half loyal; whose French-speaking people were a few hostile, a few loyal, and most of them quite unreliable; whose garrisons were weak and scattered; whose direct connection with the sea was soon to be cut off by the winter; and whose own population was outnumbered twenty-fold by the seething one beside it.

II

THE INVASION

American Victories

ON April 19, 1775, the first shot of the war was fired at Lexington. The same month the 'Green Mountain Boys' held a meeting to proclaim their independence of New York, the governor of which had outlawed their filibustering leader, Ethan Allen. Allen and his followers now saw that there was a good opportunity to damage the British cause and secure the favour of their own new Congress by taking the famous forts of Ticonderoga and Crown Point. Nothing was easier. Ticonderoga had an unsuspecting garrison of only fifty men. The only hitch was when Benedict

Arnold appeared with a Massachusetts commission as colonel of the 400 men he was to raise for the capture of the forts. But Arnold had come without the 400 men, while Allen had 230 followers, and had just made himself a colonel to command them. A compromise was therefore effected, and Allen crossed Lake Champlain at daylight on May 10. The solitary sentry snapped his musket, which missed fire, and Allen's men simply walked in and summoned Captain de la Place to surrender. This officer appeared at his bedroom door to ask by whose authority the summons was made; whereupon Ethan Allen, who had already harangued his men in anticipation of this victory, answered, 'In the name of the Great Jehovah and the Continental Congress.' A third new colonel, Seth Warner, now came up with the rearguard and was sent on to Crown Point, where a second victory was gained, this time over one sergeant and twelve men. Arnold had his turn next; he sailed up to St Johns, seized a sloop there, captured another sergeant and another dozen men, and sailed back with his prize. The two commanders-in-chief met again at Ticonderoga, where they saluted each other with a general discharge of all the firearms of their respective armies. So far the invasion of Canada was a mere burlesque, the absurdly somnolent British making an excellent stage foil to the absurdly bombastic Americans. But sterner work was soon to follow.

The Congress authorized Major-General Schuyler to organize an army at Ticonderoga in July and 'immediately take possession of St Johns, Montreal, and any other parts of the country, and pursue any other measures in Canada which may have a tendency to promote the peace and security of these colonies.' In August Brigadier-General Richard Montgomery arrived in camp as second-in-command, and at once set to work to get the expedition ready. He was a brother of the Captain Montgomery who had butchered the Canadian prisoners at Château Richer during Wolfe's siege of Quebec. But he was himself a man of nobler character. He was Irish by birth, had served in the British army, sold his commission, married a Livingston of New York, and settled down on the estate he had bought beside the Hudson.

While preparations were still in progress Schuyler, who was now at his base at Albany, got word from Washington that a concurrent expedition under Arnold was being planned against Quebec, by way of the Kennebec River. Meanwhile Montgomery was already in motion with one thousand men, and Schuyler was just in time to overtake him at the top of the lake. Before his advanced guard had reached St Johns, however, some Indians gallantly attacked and drove back the much superior force of Americans, who made a fortified camp at Isle-aux-Noix and threw a boom across the Richelieu to prevent the British sloop-of-war from entering Lake Champlain. Schuyler's health then broke down, and as soon as he left camp Montgomery advanced and besieged St Johns, with men whom he described in a letter to his wife as 'a set of pusillanimous wretches.'

The siege dragged on for a couple of months. The British commandant was Major Preston, a capable officer with 500 regulars and over 100 Canadians. He had nothing to fear but ultimate starvation: he knew Chambly was well munitioned, though not strongly garrisoned; and he heard cheering news from Montreal. Ethan Allen and a Major Brown had been sent 'preaching politics' among the Canadians, and had met with such apparent success that Allen thought he could take Montreal as easily as Ticonderoga. But a party of regulars, civilians and Indians, 250 in all, sallied out to meet him. Brown failed to co-operate. The wings of Allen's own force fled the field, and he surrendered after losing a dozen men. He was sent to England as a common prisoner, much to his disgust, after his self-appointment to a colonelcy. Finally he returned home, not to fight again, but to write a book which has made him the hero of too perfervid Yankee patriots ever since.

His raid, however, brought things to a crisis in Montreal, where Montgomery's brother-in-law, James Livingston, gathered nearly four hundred sympathizers and hurried off to join the American army. Montgomery was still ineffectively trying to reduce St Johns without any proper siege material. But on October 20 Major Stopford surrendered Chambly and all its stores to a mere detachment, after a feeble resistance of

only two days. Stopford had a comparatively strong fort, but only eighty men. The wisest course would have been for him and Preston to have concentrated in one place if they could not hold both. Failing this, and finding himself attacked, he ought certainly to have either fought to the last extremity or else destroyed his stores at once. Montgomery now had all the munitions he wanted and a reinforced army. Preston's position became desperate. Carleton made an effort to raise the siege by advancing from Montreal. But the miscellaneous militia did not like being called out for service after fifteen years of complete inaction. They deserted right and left. The Indians had been too discouraged from intervening in Carleton's white man's war. The civilians were too undisciplined; the regulars too hopelessly few. On October 30 Carleton was beaten back; and on November 2 Preston surrendered St Johns after a brave defence.

Carleton's Escape from Montreal

Montreal at once became untenable, and the little British posts from there west to the Great Lakes were completely cut off. So Carleton took the hundred regulars and whatever stores he could carry away, and embarked for Quebec on November 11, after destroying all the government property that could only be of use to the enemy. A desperate race for Quebec, and, with it, the possession of all Canada, now began. Arnold was closing in on it from the south, being already at Point Lévis, opposite the city, with 700 men, and Montgomery's victorious and reinforced army was beginning to head down the St Lawrence. Quebec itself was weakly held, but it could still keep Arnold out. Colonel Maclean, who had come up to help Carleton, was sailing back, as he had heard the news of the fall of St Johns. He arrived on the 12th. Arnold crossed over on the 13th, and appeared on the Plains of Abraham on the 14th.

Meanwhile Carleton was racing Montgomery's advance guard, which was trying to cut him off on the south shore. Just above the mouth of the Richelieu one of his vessels grounded. Then the wind veered round and blew up stream

against him. For three days his tiny flotilla never gained an inch. The Americans overtook him along the shore, planted batteries on his flank, and summoned him to surrender. It was the night of the 16th. He had been five days out from Montreal, and the whole force of the enemy would be upon him within the next few hours. With infinite precaution a whale-boat was brought alongside. He stepped in, and she at once began to drop down stream with muffled oars. At one point she had to pass the enemy so close that the oars were brought inboard, while the crew paddled cautiously with the palms of their hands. The batteries once cleared, the boat began to gather way and reached Three Rivers next morning. But the rest of the flotilla surrendered; the Americans went on in hot pursuit; Carleton just found a British vessel in the nick of time; and altogether there was many a narrow escape before the chief diarist of the siege—Thomas Ainslie, collector of customs and captain of militia—could make the following welcome entry:

'On the 19th (a happy day for Quebec), to the unspeakable joy of the friends of the government, and to the utter dismay of the abettors of sedition and rebellion, Gen. Carleton arrived in the *Fell*, arm'd ship, accompanied by an arm'd schooner. We saw our salvation in his presence.'

III

ARNOLD AND MONTGOMERY BEFORE QUEBEC

The Continental Army

WHILE Montgomery was besieging St Johns, Arnold was toiling through the wilderness between the coast of Maine and Quebec, at the head of the concurrent expedition which Washington had mentioned to Schuyler in August.

The American headquarters issued the following orders on September 5: '2 lieutenant-colonels, 2 majors, 10 captains, 30 subalterns, 30 sergeants, 30 corporals, 4 drummers, 2 fifers and 676 privates, to parade to-morrow morning at eleven o'clock, upon the Common in Cambridge, to go upon com-

mand with Colonel Arnold, of Connecticut. One company of Virginia riflemen and two companies from Colonel Thompson's Pennsylvania regiment of riflemen to parade at the same time and place, to join the above detachment.'

But there were many delays. On the 11th, the very day the French-Canadian militia had their roll checked over in Quebec, some of Arnold's men were refusing to march off parade at Cambridge without a month's pay in advance. The main body got away on the 13th, the sixteenth anniversary of the battle of the Plains. The men embarked in eleven small transports at Newburyport and mustered at Gardinerston, forty-three miles up the Kennebec, on the 22nd, 1050 strong. Washington and Arnold had planned with great care. But the 220 bateaux, hurriedly knocked together to take the expedition on from the head of navigation, were made of unseasoned wood ; and troubles began to thicken at once. On October 13 Arnold sent off a report to Washington, a dispatch to Schuyler, and a letter to sympathizers in Quebec. He was doubtful of being able to get through till after his advanced party had reported on the practicability of the height of land and Lake Megantic. On the 25th Colonel Roger Enos, in command of the rear-guard, turned back, against orders, and took 200 men with him. On the 27th a courier reported that the French Canadians across the height of land were ready to sell provisions ; and Arnold decided to push on.

The following week was one of dire distress. Provisions ran perilously short. Detachments lost their way. Some of them got bogged and waded all day long waist-deep in freezing slimy water. Men fell sick. Nearly every one became discouraged. The force was fast nearing its end as a military command when the relief party appeared on November 2 with a drove of cattle. From now onwards matters mended. Fifty Indians joined on their own terms. The habitants came forward with provisions, though they were very shy about enlisting. On the 8th the advance guard marched down the south shore of the St Lawrence in view of Quebec, while Carleton was still at Montreal and Maclean was coming down the river from Sorel. But

Arnold's letter to Quebec had fallen into the hands of Cramahé, the lieutenant-governor, who immediately took away every boat he could find on the south shore. A transport had arrived from Newfoundland with 150 soldiers, and the war-sloop *Hunter* and frigate *Lizard* lay in the river on guard. These men-of-war were, however, far enough apart to let Arnold slip between them on the cold, calm, pitch-black night of the 13th. He had collected the boats and canoes that had been hidden up the mouth of the Chaudière, and made across for Wolfe's Cove. The next morning he led his men to the swell of ground half a mile outside the walls of Quebec, and saluted the garrison with three cheers of defiance. His chance of taking the town off-hand had passed. There were 1126 effectives in garrison the day he appeared before it. Cramahé's preparations and the arrival of troops, men-of-war and Maclean made Quebec safe for the moment. But, none the less, Arnold had performed one of the most notable feats in the history of American war. After vainly summoning the city to surrender he retired to Pointe-aux-Trembles, and only reappeared, with Montgomery, on December 5. In the meantime Carleton had arrived on November 19; and now stood at bay to save a British Canada.

The position of Quebec was immensely strong when the town, the Beauport shore and Point Lévis could all be adequately held. But Carleton's little garrison only sufficed to man the actual walls of the city and the barricades at each end of the lower town. He had only 1800 men all told. The bluejackets, marines and merchant seamen were formed into a battalion, 485 strong, under Captain Hamilton of the navy. The *Lizard*, *Hunter* and other vessels had been laid up for the winter on December 1. The 70 men of the 7th Royal Fusiliers and the 230 veterans known as the Royal Highland Emigrants formed a second battalion of 300, under Colonel Maclean, who was Carleton's second-in-command. The third battalion, of 330, comprised the English-speaking volunteers, known as the British militia. The fourth battalion consisted of 543 French Canadians. Twenty-two artillerymen and 120 artificers made up the total, 1800 men. There were about 200 guns of all kinds,

plenty of ammunition, and provisions for eight months. The civil population, nearly all old men, women and children, raised the whole number of persons to about 5000. As a fortress Quebec was by no means impregnable, especially from the landward side. But the walls were quite strong enough to resist the artillery the Americans had brought with them down the river in the captured British flotilla. Montgomery's slight superiority in numbers was not enough to overcome his lack of artillery and stores. He had only 2000 men. Less than 1000 were his own ; for most of the Green Mountain Boys had deserted, and very few men had been sent on from the base to join him. On the junction of the two forces Arnold drew clothing for 675 men. There was also a fluctuating number of French Canadians, amounting to 500 or more at the beginning of the siege. These men were unreliable, as they were mostly riff-raff scenting plunder.

The Americans set their hopes on reinforcements, the turning of most Canadians against the British owing to the active propaganda throughout the country, and the betrayal of Carleton at some critical moment by secret sympathizers within the walls. They did receive reinforcements, but not enough. The mass of the Canadians were partly indifferent, partly suspicious, partly hanging back to see which side would win, and partly beginning to realize that their true interests were with the British and against the Americans. The secret sympathizers in Quebec, moreover, were very few and insignificant, as Carleton had cleared the town of doubtful characters before Montgomery appeared. Both armies suffered from smallpox ; but the Americans had less shelter and medical attendance. To replace ordinary wastage of war they had the advantage of the reinforcements, which arrived in driblets sufficient to make their strength at the end equal to what it was at the beginning. The British, on the other hand, received no reinforcements whatever until the five months' siege was over. The Americans had another advantage. They could take risks ; for even the destruction of their whole force would not imperil their cause. But Carleton could take none. The American colonies might be lost or regained. But they were a separate political entity.

Whatever happened, he must save Canada. And both sides knew that Canada could only be saved at Quebec.

Montgomery had sent letters into the town secretly, promising the loyal merchants protection and rewards if they would only turn against Carleton. But to no purpose; for these men fought with the best, and some of them laid down their lives in Quebec, as Paterson, another merchant, had done already in Montreal. On the day after his arrival Montgomery summoned Carleton to surrender Quebec, but as vainly as Arnold had summoned Maclean three weeks before. The summons is a curious specimen of invective, sharpened, no doubt, by Carleton's wise destruction of the very stores that Montgomery had counted upon securing at Montreal.

HOLLAND HOUSE, *Decr. 6th.*

SIR,—Notwithstanding the ill-treatment I have received at your hands—notwithstanding your cruelty to the unhappy Prisoners you have taken, the feelings of humanity induce me to have recourse to this expedient to save you from the Destruction which hangs over you. Give me leave Sir, to assure you, I am well acquainted with your situation. A great extent of works, in their nature incapable of defence, manned with a motley crew of sailors, the greatest part our friends; of citizens, who wish to see us within their walls and a few of the worst troops, who ever stiled themselves Soldiers. . . . I am at the head of troops accustomed to Success . . . and so highly incensed at your [in]humanity, illiberal abuse, and the ungenerous means employed to prejudice them in the mind of the Canadians; that it is with difficulty I restrain them till my batteries are ready. . . . Should you persist in an unwarrantable defence, the consequences be upon your own head. Beware of destroying stores of any kind, Public or Private, as you have done at *Montreal* and in Three Rivers; If you do, By Heaven there will be no mercy shewn.

RICHD: MONTGOMERY,
Brigadier Gen. Cont. Army.

On the evening of December 22 a British prisoner named Wolfe escaped and came into town with the news that Montgomery was going to storm the walls the next night,

and that he had offered every one of his men a thousand dollars' worth of booty. In consequence of this the garrison kept on the alert and showed a fine desire to meet the enemy. But nothing happened. On the 30th an Irish deserter came in from the American lines and said an attack was certain the first dark night. Montgomery was anxious to do something decisive. The fact that the term of enlistment of his New York men would expire at the end of the year made him doubly anxious to do it soon. Besides, he was of an ardent nature, and still young, being under forty. He calculated on being able to rush the lower town barricades, which would give him the power of destroying all the warehouses and shipping. This he hoped would set the merchants against Carleton's efforts to prolong the siege. He also hoped that secret sympathizers might open the gate on Mountain Hill, which would give him possession of both the upper and lower town. Arnold's loyal co-operation was assured, and this further strengthened his resolve. Arnold was a remarkable, forceful and very astute man. He was still under thirty-five; he had just made a splendid march; he had sharpened his wits by years of horse-dealing; and he knew Quebec well from having sailed there many times in the course of business. He was naturally ambitious and was thirsting for immediate action; and, like the other revolutionists, he was inclined to think that Canada was anxious to exchange her own present and future for whatever the Americans chose to offer her.

The men, as a whole, were not quite so eager as their leaders. But they mostly shared the illusions which Montgomery embodied in the following general orders, which he got smuggled into the town the day after they were read out to his own troops.

HEADQUARTERS, HOLLAND HOUSE,
NEAR QUEBEC, 15*th December* 1775.

Parole—Connecticut.
Countersign—Adams.

The General having in vain offered the most favourable terms of accommodation to the Governor, and having taken every possible step to prevail on the inhabitants to desist from seconding him in his wild scheme of defence, nothing remains but to pursue

RICHARD MONTGOMERY

From the engraving by R. Whitechurch

vigorous measures for the speedy reduction of the only hold possessed by the Ministerial troops in the Province. The troops, flushed with continual success, confident of the justice of their cause, and relying on that Providence which has uniformly protected them, will advance to the attack of works incapable of being defended by the wretched garrison posted behind them, consisting of sailors unacquainted with the use of arms, of citizens incapable of the soldier's duty, and a few miserable emigrants. The General is confident a vigorous and spirited attack must be attended with success. The troops shall have the effects of the Governor, garrison, and of such as have been acting in misleading the inhabitants and distressing the friends of liberty, to be equally divided among them, each to have the one hundredth share out of the whole, which shall be at the disposal of the General and given to such soldiers as distinguished themselves by their activity and bravery, and sold at public auction. The whole to be conducted as soon as the city is in our hands and the inhabitants disarmed.

The General at Headquarters,
FERD. WEISENFELS,
Major of Brigade.

THE ASSAULT OF THE FORTRESS

The American plan was to make a feint against the walls on the night of the 30-31st, while Montgomery, beside the St Lawrence, and Arnold, from the valley of the St Charles, were to carry the lower town barricades at Près-de-Ville and Sault-au-Matelot, and then unite to hold the lower town or even march up Mountain Hill if sympathizers within would open the gate at the top. Montgomery's 2000 men yielded about 1500 effectives. Of these, 300 were to make the feint against the walls under Livingston, 500 were to follow Montgomery, and Arnold was to lead 700. Carleton's 1800 gave him about the same effectives, 1500. He had the whole garrison told off to its alarm-posts ready for any emergency. The parole that night, strangely enough, happened to be 'St Denis,' the patron saint of France, whose Canadian offspring were about to be saved from American obliteration.

Two hours after midnight of the 30-31st the Americans fell in and were told off to their respective duties. It was a wild night as they marched to take up their positions of attack. A north-east snowstorm was raging, and it numbed their hands and stung their faces as they turned towards Quebec. But every man had written the motto 'Liberty or Death' on a piece of paper and pinned it to his cap, and there was a general feeling that the last Canadian stronghold of the hated British government was going to fall into their victorious hands on this day of retribution. Montgomery had a good deal to do at headquarters and was a little late in moving off from Holland House. He made slow work of it across the storm-swept plains, where his men ploughed knee-deep and more through the driving snow. The mile and a half from Wolfe's Cove, along the narrow, snow-choked riverside road, was even more retarding, and it was not till five o'clock that he approached Cape Diamond. This was an hour after Livingston had lit the lanterns on the heights, and half an hour after he had deployed his men there, begun the feint attack against the walls, and sent up the two green rockets which were the signal for the real attack to begin by a bombardment from St Roch's, and a simultaneous advance of Montgomery's and Arnold's men on opposite sides of the base of the cliff.

Meanwhile the sentries on the walls had been watching the strange row of lights with great suspicion for a few minutes, when Captain Malcolm Fraser of the Royal Emigrants came up on his rounds, took in the situation at a glance, ordered the guards and piquets to stand to their arms, and sent back to have the general alarm sounded. Just as Livingston's two rockets shot up into that stormy night the church bells rang out their loudest, the drums beat, the bugles called, and in less than a quarter of an hour every man of the garrison was standing ready at his post. Shells were bursting over the town in every direction, striking terror to the hearts of the non-combatants. At the same time a line of musketry crackled out on the heights, so close, in the part opposite the Cape Diamond bastion, that the men on the walls could plainly see their opponents' faces lit up by the flash of the

discharge. The St John's suburbs were simultaneously occupied by Livingston's Canadians, who fired at the British on the walls below St Louis Gate. Colonel Caldwell brought up some reinforcements for the Cape Diamond bastion, and at once returned to the Place d'Armes, where Carleton and Maclean were fully prepared for all developments.

It was now that Carleton rose to the zenith of his steadfast career. Never was there a crisis in which the life of a whole country could be more truly said to depend on the safety of a single spot of ground. Far and near, a mighty continent was torn with the tempest of rebellion like an angry sea. And all that was most Canadian was facing the storm in the one remaining British ship of state, which was Quebec, and with the one great British captain, who was Carleton. Loyal, calm, undauntable and sympathetic, he inspired the crew with a spirit of service akin to his own. Together they fought the ship, and together they brought her victorious home.

Down at the north and south ends of the lower town the men on duty there were guarding the barricades at Sault-au-Matelot and Près-de-Ville. The fifty men at Près-de-Ville had no more than as many feet to guard, across the road and shore-line, between the sheer three-hundred-foot bulk of Cape Diamond on their right and the deep, swift, ice-cold St Lawrence on their left. Next to the cliff they had a tiny block-house. The rest of the space was filled by a stout barricade. There were four small cannon, double-charged with canister and grape. These fifty, who stood here for Canada against Montgomery's five hundred, well deserve to be remembered in her roll of honour for all time. They were : Captain Barnesfare and fifteen sailors ; Captain Chabot, Lieutenant Picard and thirty French Canadians ; Sergeant M^{c}Quarters of the Royal Artillery; and John Coffin, a merchant of Quebec. They had heard the firing on the heights above them for nearly an hour, and of course could not tell where the attack was to be driven home, or whether even a feint was to be made against their own position. But when Montgomery's force rounded the base of Cape Diamond after five o'clock they were all ready for it. A slight pause

in the storm showed them the head of a long column halting only about fifty yards away. A man came forward to reconnoitre. The storm was in his face; the barricade was simply a silent wall, whirling atop with the spindrift of the snow; and he probably reported it to be either weakly held or perhaps abandoned. On his return the leaders had a hurried consultation. The column stirred; plunged forward; and Barnesfare shouted 'Fire!' Four cannon and forty-two muskets volleyed together. The whole front of the column was cut down by this single point-blank salvo of double-shotted musketry and grape. Montgomery, his two staff officers and ten other men fell dead on the spot. Wounds and the shock of fright broke up the formation of the ranks behind them. In a moment the advancing column became a wild, stampeding herd of 500 men, struggling madly to get back round the corner of the Cape, out of range of the fifty British, who were firing into their rear with might and main.

Just as the firing ceased a man came running from the other end of the lower town to say that the Americans were breaking through the Sault-au-Matelot barricade. This, if true, of course meant the destruction of the Près-de-Ville fifty, as there would be vastly outnumbering enemies in front and rear, with an unscalable cliff on one flank and an impassable river on the other. Some of the men moved as if to bolt for Mountain Hill before they could be cut off. But Coffin threatened them with fixed bayonet, and swore he would kill the first who attempted flight. This calmed the incipient panic, and the whole guard was in excellent order when some reinforcements, which Carleton had sent down, arrived a few minutes later. Finding the enemy repulsed here, the officer in charge of these reinforcements sent back to see where else his men would be most useful, and was told to go as fast as he could to the Sault-au-Matelot, where desperate street-fighting was still developing.

Arnold had assembled his 700 men on the far side of St Roch's and marched them off after seeing Livingston's rocket signal on the heights at half-past four. He had less than a mile to go; but the road was full of snow, the storm in his face; and, unlike Montgomery, his flank was exposed

the whole way, from Palace Gate onwards. Here the walls were about a hundred feet above him. They were lined by Hamilton's seamen, who, despite the storm and darkness, made a considerable impression on the long straggling human target directly below them. A good many Americans were killed and wounded in this way, their formation was loosened, and a lucky shot from the Half-Moon Battery put Arnold out of action just before he reached the advanced post at the north end of the Sault-au-Matelot. But Morgan's Virginians and Arnold's Yankees were better fighters than Montgomery's New Yorkers. They rushed the advanced post, and pressed on successfully another hundred yards until the fire from the barricade itself brought them to a stand. This barricade was much longer than the one at Près-de-Ville, nearly a hundred yards instead of only fifty feet. It ran, in the same way, from the cliff to the river, but it was built across a couple of streets, with galleried houses, and its river end was on a wharf guarded by a battery. There were only about a hundred men on duty behind it when its advanced post was taken ; but as soon as Carleton saw that the attack on the walls was only a feint, and heard that the one on Près-de-Ville had failed, he kept on strengthening the reinforcements he had sent down on the enemy's first appearance.

The enemy took to the houses, getting high enough up to fire over the barricade, and though they had scaling-ladders they were not disposed to use them for a direct attack. Morgan had taken a look over the top and thought he saw 'rows of troops prepared to receive them on hedges of bayonets if they had leaped down.' He was a little too discreet, as the British militiamen, both French and English, though fighting gallantly, were at first too weak both in numbers and leadership to withstand a quick succession of determined rushes. In fact, both sides were fighting disconnectedly, even after the reinforcements not needed at Près-de-Ville had come into the firing line. The Americans, firing from every building that bore on the barricade, were holding their own well, when Captain Nairne and Lieutenant Dambourges arrived with their company of the Royal Emigrants. A sailor had just pulled up a scaling-ladder which the enemy

had planted against the barricade, and Nairne and Dambourges at once planted it against the inner end of a house the outer end of which was occupied by the enemy in force. The British and Americans then met hand to hand with the bayonet, which the Royal Emigrant veterans wielded to such good effect that they dislodged the Americans altogether, killing and wounding several and making the rest decamp.

But the enemy still held the outer houses ; they were still in greatly superior numbers, and they showed every sign of maintaining the fight on their own terms and making their advantages tell. By this time, however, Carleton knew, from messengers sent direct from the barricade and others sent from the Grand Battery on the cliff overlooking the Sault-au-Matelot, that the enemy's whole undefeated force was concentrated in a small space and fully occupied towards its own front. Moreover, December daylight was now strong enough to make any other important movements against the town impossible without detection. So he sent Captain Laws of the Royal Engineers and Captain McDougall of the Royal Emigrants out of Palace Gate, which was strongly held by Hamilton's bluejackets, to follow the enemy's line of advance and take them in rear with 120 men. The Americans, who were still at the advanced post they had taken with their first rush, were completely surprised and surrendered at once. The few British prisoners in their hands were of course released and rearmed, and McDougall remained a few minutes to secure American prisoners. In the meantime Laws ran forward, outstripping his men, and, coming suddenly into the midst of the Americans who were in the street, called out, 'You are all my prisoners!' But they, not seeing his men, seized and disarmed him. Then McDougall, who had collected all but a small guard round him, came up at the double, released Laws and summoned his captors to surrender. Morgan was now fairly taken in front and rear. The British were becoming as numerous as his own men. They had guns battering down the house where his best riflemen were keeping up the fight. The streets could also be swept with grape. Some of his men escaped on the ice ; but 427 laid down their arms on the spot.

The British victory was complete. Their loss in killed and wounded was only twenty, while the Americans lost nearly ten times as many in this way, besides twenty times as many by surrender. And, while there was a good deal of mutual recrimination between the different parties on the American side, there was a concord as complete as the victory on the British. This is all the more significant when it is remembered that Carleton's British victory preserved Canada from American conquest and obliteration, and that French- and Anglo-Canadians were here uniting for the first time in defence of their common country. The gallant little garrison comprised all the racial elements which united to repel the third American invasion of 1812, and which again united to work out Confederation fifty-five years later still. There were Frenchmen, French Canadians, Englishmen, Irishmen, Scotchmen, Welshmen, Channel Islanders, Orcadians, Newfoundlanders, and the first forerunners of the United Empire Loyalists. It was the memory of this first pregnant union, no less than the actual feat of arms, which prompted the Dominion of the twentieth century to commemorate these heroes of the Canadian eighteenth by the following inscriptions erected over the very spots on which their deeds were done:

HERE STOOD THE UNDAUNTED FIFTY, SAFEGUARDING CANADA ; DEFEATING MONTGOMERY, AT THE PRÈS-DE-VILLE BARRICADE, ON THE LAST DAY OF 1775 ; GUY CARLETON COMMANDING AT QUEBEC.

HERE STOOD HER OLD AND NEW DEFENDERS, UNITING, GUARDING, SAVING CANADA ; DEFEATING ARNOLD, AT THE SAULT-AU-MATELOT BARRICADE, ON THE LAST DAY OF 1775 ; GUY CARLETON COMMANDING AT QUEBEC.

Defeat and Retreat

After their great repulse the Americans gradually lost their hold on the country more and more. The siege of Quebec still went on, but without much hope of victory. Carleton did all he could by ruse and challenge to draw the enemy on to another general attack, but in vain. The garrison was vigilant and in good spirits. Fire-balls were hung over the

ramparts at night, being used as a sort of searchlight. The American batteries were silenced whenever they became annoying. And the crew of their fire-ship, in attempting to burn the shipping in the Cul-de-Sac, were driven from their vessel before they could bring her close enough to be dangerous. An unpleasant incident within the walls was the parade of 180 'exempts,' 100 of whom were found to be malingerers and really fit for service. A tragic occurrence outside was the futile attempt of sixty loyal French Canadians from Rivière du Loup to surprise the guard at Point Lévis and then cross over to join the garrison. A traitor among them enabled the Americans to surprise them at their priest's house. Father Bailly, who bravely resisted, fell dangerously wounded, five of his men were killed and thirty-four made prisoners. A similar attempt, with a similar result, was made by de Beaujeu, who also made a gallant stand against greatly superior numbers.

But, on the whole, the Americans suffered more in every way. Their new general, Wooster, was a sour bigot, one of the men who, contrary to the practice of all civilized armies, seized and imprisoned every Canadian officer who would not give up his British commission. Arnold left camp, ostensibly to bring down reinforcements, but really to sustain the American cause in Montreal and oppose the British detachments coming down from the Lakes.

On May 6 every man, woman and child in Quebec was roused at dawn by the sound of a ship's guns coming up the river. The eager crowd, some only half dressed, ran down to the Grand Battery, and were intensely delighted by the sight of the Union Jack of H.M.S. *Surprise*. Another frigate, the *Isis*, and the sloop-of-war *Martin* came in on the same tide. A detachment of the 29th regiment and all the marines were landed instantly and marched up the hill and on to the parade, where Carleton was waiting with a picked force of 600 men. At noon the whole force, 800 strong, marched out of the gates in a body and hurried forward in the hope of being able to close with the enemy and smash them. But the enemy declined the challenge, and decamped in such confusion that they left their dinners all

ready for the British to eat. Many of them even threw away arms and accoutrements. The famous Plains of Abraham were covered with flying Americans, led by their third general, John Thomas.

Their fourth general, John Sullivan, took command of their camp at Sorel just a month later, and rashly attempted to seize and hold Three Rivers. He was lucky to escape without being utterly crushed. Carleton purposely left a loophole of escape, probably because he did not want a host of prisoners and because he did wish to show leniency to the 'King's deluded subjects.'

In the meantime Benjamin Franklin and the other congressional committeemen sent to 'preach politics' in Canada had found Canadian sentiment becoming more and more anti-American. The gentry resented the unheard-of insult of taking away an officer's commission by force, and they and the priests were enlightening the people regarding the obliteration that would follow a victory for the Americans, who had been giving great offence by the arbitrary requisitions which their lack of supplies forced them to make. Arnold withdrew from Montreal and met Sullivan at St Johns, when both continued the retreat to Crown Point. Burgoyne had landed at Quebec with British and Hessian troops that raised the total force to over 10,000 men. He advanced in the most leisurely manner, quietly reoccupied the frontier posts, and made his headquarters at Laprairie, opposite Montreal. Canada was now clear of all the American forces that had come in to make her their fourteenth colony. The year of invasion was over.

One incident of the American retreat—the affair of the Cedars—was so much misrepresented, raised so many controversies, and embittered so many feelings, that particular reference to the true version of it is necessary if the general rights and wrongs of the whole invasion are ever to be impartially considered.

The Americans had overrun Canada from Lake Champlain to Montreal and thence eastward to Quebec. The western British posts remained untouched. One of these was at Ogdensburg, where Captain Forster, of the 8th regiment,

collected 50 regulars and volunteers with 200 Indians for an attack on Arnold's post at the Cedars, which was held by 350 Americans. After a two-days' fight the Americans surrendered on May 19. On the 20th 80 more Americans, who were coming from Vaudreuil, also surrendered. Forster now had over 400 prisoners and only 200 men of his own available for action. But he pushed on to Lachine, where Arnold was encamped. The American position and numbers, however, were far too strong, and he retired. Arnold then crossed over to make a counter-attack, but turned back before an action was engaged. After this, negotiations began, and the American prisoners were handed over on the understanding that an equal number of British prisoners should be exchanged. Forster then returned to Ogdensburg, and the incident itself was closed, to the satisfaction of both parties on the spot.

The American Congress, however, refused to ratify the agreement until compensation had been paid for what the Indians had looted, and until the perpetrators, aiders and abettors of an alleged massacre of prisoners had been handed over to the Americans for punishment. The charge of looting was true. But every one knew that the invading Americans had also looted a good deal, had raised supplies by requisitions paid for in worthless paper, and had officially offered to reward their army besieging Quebec with the private property of the citizens defending it. The general account of illegal loot was certainly not balanced to the credit of the Americans.

A Humane Victor

The charge of massacre was, and remained, unproved. Forster, a good soldier and humane man, was particularly careful to prevent any atrocity. The Indians engaged were less likely than most to commit atrocities, because they had long been christianized, and were under the care of an unusually influential priest, the humane Abbé Verrault. And Carleton, who was at least humane enough to have risked the loss of Indian allies altogether by the restraints he always put upon their freedom of action, and who thoroughly

investigated the charge, wrote a state-paper entirely denying its truth. All this, however, is only British evidence. But it is supported on the American side by the fact that the American authorities on the spot made no such charges when negotiating for the exchange of prisoners; that Ebenezer Sullivan, himself a prisoner, wrote at the time a letter in which he shows how well all his friends were treated; that the Continental Congress never offered any substantial proof whatever; and that the American politicians of this time were more than usually tempted to seize every chance of embittering their followers against the British, and knew of nothing better than a British-Indian massacre to effect their purpose. Besides, the members of the Congress must have been particularly exasperated against Carleton, not because of his bad but because of his good qualities. It is only human nature for leading revolutionists to try to minimize the attractive power of a strong, just and generous character on the other side. Carleton had been so kind to his American prisoners at Quebec that when they returned to Crown Point they were kept away from the American army there lest the truth about his treatment of them should cause disaffection. His proclamation regarding these enemies, who had been besieging him all winter, is worth quoting in full:

> Whereas I am inform'd that many of his Majesty's deluded subjects of the neighbouring Provinces labouring under wounds & divers disorders are dispers'd in the adjacent woods and Parishes, & in great danger of perishing for want of proper assistance; All Capts: & other Officers of Militia are hereby commanded to make diligent search for all such distress'd persons and afford them all necessary relief, and convey them to the General Hospital, where proper care shall be taken of them. All reasonable expenses which shall be incurr'd in complying with this Order shall be paid by the Receiver General.
>
> And lest a consciousness of past offences shou'd deter such miserable wretches from receiving that assistance which their distress'd situation may require, I hereby make known to them, that as soon as their health is

restor'd, they shall have free liberty to return to their respective Provinces.

Given under my hand and seal of arms at the Castle of St Louis in the City of Quebec this 10th day of May 1776, in the 16th year of the reign of our Sovereign Lord George the third.

GUY CARLETON.

This order was admirably carried out by all concerned, both in the spirit and the letter of the words.

The general Indian question raised by the American invasion was a separate and a still more vexed one. Here again, however, Carleton's position is equally clear. Colonel Daniel Claus, 'Agent for Indian Affairs in the Province of Quebec,' wrote a memorandum which is all the more convincing because it was an 'inside' report, and was never intended for any kind of exculpation. Claus, who had the welfare of the Indians very much at heart, showed them

> The Danger of their losing those Means of their Subsistence in Case the Rebels should get footing there; Their ill usage of the Indians in general & stripping them of all their Lands if not guarded by the Crown . . . with which they were so struck and roused that immediately they determined of attacking & laying waste the New England frontiers. I advised them to declare first their Sentiments to Sir Guy Carleton . . . and I was of opinion they ought first to warn the New Englanders of their Territory. . . . Accordingly in the beginning of August [1775] A Congress of upwards of 1500 Indians including abt 600 Warriors took place at Montreal, when the Indians in public council made the above offers and proposals to Sir Guy Carleton, who in his answer thanks them for their good will, but did not approve at all of the scheme.

Carleton's disapproval, as the whole history of the American invasion shows, was decisive. A Captain Baker was killed, scalped and beheaded, but there was no torture; he was reconnoitring with warlike intent and fired first. The Indians Preston sent out of St Johns killed and wounded

many Americans, and drove back greatly superior numbers. But this was in fair fight, and there were no complaints of any 'massacre,' real or concocted. These few incidents, with the affair of the Cedars, practically cover everything the Indians did on the British side during the whole invasion.

Congress and the Savages

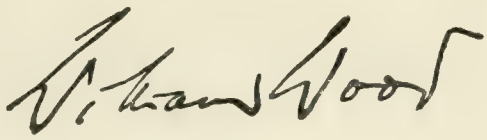
On the other side there is such a discrepancy between what the Americans openly accused the British of doing and what they secretly tried to do themselves, that some consideration of corroborative evidence is needed in the interests of historic truth. On April 4, 1775, the Massachusetts Provincial Congress sent Samuel Kirkland to exhort the Six Nations to 'whet their hatchet and be prepared to defend our liberties and lives.' On May 24 Ethan Allen sent letters to the neighbouring tribes asking them to join him 'like brothers, and ambush the regulars.' On May 25, 1776, the Continental Congress itself secretly resolved 'That it is highly expedient to engage the Indians in the service of the United Colonies.' The Secret Journal of the Congress also contained other entries to the same effect. On June 3 Washington was authorized to employ Indians to the number of 2000. On the 14th the American official agents were instructed 'to engage the Six Nations in our interest, on the best terms that can be procured.' On the 4th of the next month, the Declaration of Independence contained the following clause directed against George III: 'He has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.' Yet four days later the Secret Journal of the Congress contained another resolution authorizing Washington to engage the services of the Indians from the Penobscot, the St John and Nova Scotia. Then, twenty days after this again, the Congress issued a public address to the people of Ireland, in which it made the following appeal to Irish sympathy: 'The wild and barbarous savages of the wilderness have been solicited by gifts to take up the hatchet against us, and instigated to deluge our settlements with the blood of defenceless women and children.'

The simple fact is that the Indians, being between two stronger combatants, as they had been so often before, could not and were not allowed to be neutral. Both sides bid for them. 'I hope the bounty which Congress have agreed to allow will prove a powerful inducement to engage Indians in our service.' Thus Washington wrote to Schuyler on June 20, 1776 ; and it is in harmony with what the Americans had been doing since before the first shot was fired at Lexington. The British, on the other hand, certainly made some attempt to keep it a white man's war. The Indians at the Albany Conference in August 1775 all declared that the crown authorities had been urging them to remain neutral. But neutrality was impossible. The Americans tried to forestall the British. The British tried to prevent it. Most of the Indians preferred the British, who respected their rights so much better than the Americans. Yet, in spite of their great preponderance in numbers and their anti-American feelings, the British Indians in Canada have no real outrage standing against them, except the unproved and unprovable charges of a Congress that ruined its own case by doing in secret the very thing it most loudly denounced in public.

When the Americans retreated at the end of June the whole of Canada was free of them. But, as their positions on Lake Champlain gave them an ideal offensive base from which to renew operations, the frontier could not be considered safe without a decisive victory over their flotilla, which commanded all the local waters without opposition, as the first invaders had got possession of everything afloat. The British spent the summer in practically creating a little fleet, mostly from material sent out from England. The crews were specially drafted from men-of-war, and so had the advantage of naval training over their opponents. But Arnold—horsedealer, schoonerman, backwoodsman and soldier —was full of resource ; and his line of battle across the mile-wide strait between Valcour Island and the mainland offered a most gallant resistance to superior numbers, armament and skill. At the end of the first day's fighting the British had broken through, and were lying ready to intercept his retreat.

Yet in the dead of night he cleverly slipped past them by the only loophole to the south. This only gained him another day's reprieve. On the third day, October 13, his whole force was run to earth and utterly destroyed.

Thus ended the seventeen months' campaign, which looked at first as if it must result in the complete conquest of Canada. The waves of invasion swept everything before them until they reached Quebec, where Carleton stood at bay. But against that steadfast rock of defence they beat in vain.



CANADA UNDER THE QUEBEC ACT

CANADA UNDER THE QUEBEC ACT

The American War

CARLETON returned to Canada in September 1774, and was deeply impressed with the sentiments of joy and gratitude which the passing of the Quebec Act had aroused in the French-Canadian clergy and noblesse. The English residents were divided in their attitude. 'The most respectable,' wrote Carleton, 'presented an Address expressive of their Wish to see universal Harmony and a dutiful Submission to Government continue to be the characteristic of the Inhabitants of this Province.' [1] Others again, under the leadership of the redoubtable Thomas Walker, prepared a petition to the king and the two houses of parliament requesting the repeal of the act.

Scarcely had Carleton returned when he was drawn into the maelstrom of the rebellion in the old colonies. In September General Gage wrote from Boston requesting that two of the regiments of the Canadian garrison should be sent to him, and also asking Carleton's opinion on the possibility of raising a body of Canadians and natives for service in the American colonies. Carleton, though not enthusiastic over the prospect, thought that by raising a few regular battalions he might attach the noblesse to British interests by 'restoring them to a significance they have nearly lost, and through this Means obtaining a further Influence upon the Lower class of People.'

> I must not however conceal from Your Excellency, that the Gentry, well disposed, and heartily desirous as they are, to serve the Crown, and to serve it with Zeal, when formed into regular Corps, do not relish

[1] Carleton to Dartmouth, November 11, 1774, quoted in *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 412.

> commanding a bare Militia, they never were used to that Service under the French Government; . . . As to the Habitants or Peasantry, ever since the Civil Authority has been introduced into the Province, the Government of it has hung so loose, and retained so little Power, they have in a Manner emancipated themselves, and it will require Time and discreet Management likewise, to recall them to their ancient Habits of Obedience and Discipline; considering all the new Ideas they have been acquiring for these ten years past, can it be thought they will be pleased at being suddenly, and without Preparation, embodied into a Militia and marched from their Families, Lands, and Habitations to remote Provinces, and all the Horrors of War, which they have already experienced.[1]

But even these cautious fears would not have prepared Carleton for the bitter disappointment which the succeeding months had in store for him. In June 1775 he reported that 'The Noblesse of this Neighbourhood were called upon to collect their Inhabitants in order to defend themselves; the Savages of those Parts likewise had the same orders; but tho' the Gentlemen testified with great Zeal, neither their Entreaties or their Example could prevail upon the People.' Almost in despair he wrote, 'Not six hundred Rank and File fit for duty upon the whole Extent of this great River, not an armed vessel, no Place of strength; the ancient Provincial Force enervated and broke to Pieces; all Subordination overset, and the Minds of the People poisoned by the same Hypocrisy and Lies practised with so much success in the other Provinces, and which their Emissaries and Friends here have spread abroad with great Art and Diligence.'[2]

Carleton had unquestionably overestimated the interest of the French Canadians in the struggle. Not only did they refuse to assist their seigneurs in the defence of the colony, some of them even actively supported the advance of Montgomery and Arnold. But their attitude was less reprehensible than the conduct of many of the noisy British residents of Montreal.

[1] Carleton to Gage, February 4, 1775: *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 450.

[2] Carleton to Dartmouth, June 7, 1775: *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 453.

The town of Montreal was in close communication with the New England colonies and was thoroughly infected with the principles of the rebellion. To the general grievances of the revolting colonies a faction of the British minority added the abuses which they conceived had been inflicted on them by the Quebec Act and British methods of administration. The result was that a considerable number of the residents of Montreal, with James Livingston and Thomas Walker, the erstwhile ultra-British magistrates, at their head, joined the forces of revolt.

British rule had worked a transformation in the attitude of the French Canadians towards authority. They had been subject to authority, when it was asserted. The establishment of civil government cut the bands of this authority and put nothing in its place. The old restraints were relaxed, and the government was not brought into touch with the populace in their daily life. Their new-found liberty began to breed contempt for the authority alike of the church and of the seigneurs. Chief Justice Hey testified in 1776 that the Quebec Act, passed for the express purpose of gratifying the Canadians, had become their first object of discontent and dislike. 'English officers to command them in time of war, and English Laws to govern them in time of Peace is the general wish, the former they know to be impossible (at least at present), and by the latter, if I understand them right, they mean no Laws and no Government whatsoever.'[1] When, added to this, the simple-mindedness of the habitant is considered, it will readily be seen that no more fertile field could have been desired for the seeds of dissension scattered broadcast by emissaries of the revolting colonies. 'Yet I am sometimes willing to think,' wrote Hey, 'that fear, joined with extreme ignorance and a credulity hardly to be supposed of a People, have been overmatched by the subtilty and assiduity of some Colony agents who were busy here last winter, and that they are not at bottom an ungenerous or disobedient People.'[2]

[1] Chief Justice Hey to the Lord Chancellor, August 28, 1775: *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 456.

[2] *Ibid.*

The clergy and the gentry on the one hand, and the habitants on the other, were in quite different positions with respect to the government. Murray and Carleton had successfully attached the former; nothing had been done which would have made the latter fervently loyal to their conquerors. Those who saw no advantage in taking up arms remained neutral; those who found an opportunity for gain employed it and assisted the invasion. The French Canadians as a body remained neutral, not considering, probably, that they had any vital interest in the issue.

Carleton and the Colonial Office

The succession of Lord George Germain to the Colonial Office in January 1776 had an important influence on the future government of the Province of Quebec. Germain and Carleton had not been on friendly terms, and the new secretary seems to have carried into his administration motives of personal bitterness and revenge. Carleton was unjustly blamed for the loss of a detachment of troops on the Delaware River, and two expeditions which, it was planned, should act from Canada, were placed in charge of Colonel St Leger and Sir John Burgoyne. Carleton keenly resented this treatment, and concluded that Germain was influenced in the matter by personal hostility. His correspondence with the Colonial Office assumed a bitter tone, and he soon decided to resign. In June 1777 he wrote to Germain that:

> Finding I can no longer . . . be of Use to the King's Service on the Continent, either in a Civil or Military Capacity, under your Lordship's Administration, on the contrary apprehending, that I may occasion no small Detriment to it, for all the Marks of your Lordship's Displeasure affect not me, but the King's Service and the Tranquility of His People, I therefore flatter myself, I shall obtain His Royal Permission to return Home this Fall, the more so, that from your first Entrance into Office, You began to prepare the Minds of all Men for this Event, wisely forseeing that, under Your Lordship's Administration, it must certainly come to pass, and for

my own part, I do not think it just, that the private Enmity of the King's Servants should add to the Disturbances of His reign.[1]

But troubles were brewing for Carleton nearer home. The Quebec Act revoked all the commissions granted to officers in Canada under the authority of the proclamation of 1763 and afforded an opportunity for making new appointments. Chief Justice Hey, who had requested permission to retire, was succeeded in August 1776 by Peter Livius. Livius, before the outbreak of the war, held a judicial appointment in New Hampshire, but had quarrelled with the governor and had returned to make complaint to the crown. Carleton did not take kindly to the new chief justice, whom he described as 'greedy of Power, and more greedy of Gain, Imperious and impetuous in his Temper, but learned in the ways and Eloquence of the New England Provinces, valuing himself in his Knowledge how to manage Governors, and well schooled it seems in Business of this sort.'[2]

Carleton Retires

When Livius appeared on the scene of Canadian politics there was already a spirit of faction and jealousy in the council at Quebec. Through a misinterpretation of his instructions, Carleton had appointed five members of the legislative council as a special Privy Council and had entrusted them with important executive duties.[3] He had also refused, in violation of his instructions, to submit to the council the portions of the royal instructions which related to their powers and duties. On these two issues a determined opposition to the government had been manifested in the council. Livius, who had been refused certain financial favours by Carleton, assumed the leadership of the opposition, and persisted in obstructing the operations of the council until the abuses of which his party complained had been removed. Carleton, again exceeding his authority, on the eve of his departure from the province dismissed the chief justice. Livius went

[1] The Canadian Archives, Q 13, p. 299.
[2] Carleton to Germain, June 25, 1778: the Canadian Archives, Q 15, p. 153.
[3] This question is discussed more fully on p. 434.

to England and, having demanded an investigation, was completely exonerated by the Board of Trade. On June 30, 1778, Carleton transferred the government of Quebec to his successor, Frederick Haldimand.

Frederick Haldimand

For faithful and distinguished service in the defence of Canada and the Empire, for preserving the records of a most important period of colonial history, an everlasting debt of gratitude is due to two Swiss officers and close personal friends, Colonel Henry Bouquet and General Sir Frederick Haldimand. The services of Bouquet in suppressing the Indian wars on the western interior were obscured by the more public military displays of the Conquest. Bouquet's work was all the more difficult in being performed in distant and inhospitable districts, yet it formed a most necessary part of the conquest of Canada. Haldimand was no stranger to Canada. Under Amherst he had commanded the troops at Montreal when that city capitulated in 1760. After Colonel Burton's transfer to Montreal he acted as lieutenant-governor of the district of Three Rivers. In 1767 he succeeded Bouquet, who had died in 1765, in the command in Florida. For two years he was connected with the movements in the American colonies and had the good fortune to escape with an unsullied reputation.

Haldimand's administration contained nothing of the spectacular. His first duty was to maintain the defences of the colony, and he gave particular attention to the upper posts. Haldimand's policy was to placate the natives, wherever possible, by the judicious use of presents. But frequently the officers at the posts or the traders took measures which incited the Indians to warfare. Late in 1778 Henry Hamilton, the lieutenant-governor at Detroit, undertook to lead an expedition into the Wabash district and eventually found himself in gaol at Williamsburg. His capture was followed by retaliation on the part of Indians friendly to Britain, and rebel settlements were destroyed. Haldimand set himself against border warfare, and to better control the Indians endeavoured to form villages about the posts; but so

long as the armies remained in the field the savages would be on the war-path.

In his general policy of administration Haldimand followed closely in the footsteps of Carleton. The French Canadians, he considered, were the rightful possessors of the country, and the government should be conducted with regard to the 'Sentiments and manner of thinking of 60,000 rather than of 2000—three-fourths of whom are Traders & Cannot with propriety be Considered as Residents of the Province. In this point of view the Quebec Act was both just and Politic, tho' unfortunately for the British Empire, it was enacted ten years too late.' [1] Even in 1780 it was obvious to Haldimand that the policy of preserving the Empire by the conciliation of one colony was doomed to failure. Of the beneficent effects of the new policy on Quebec itself Haldimand seemed to be much more optimistic.

> On the other hand the Quebec Act alone has prevented or can in any Degree prevent the Emissaries of France and the Rebellious Colonies from succeeding in their Efforts to withdraw the Canadian clergy & Noblesse from their allegiance to the Crown of Great Britain. For this Reason, amongst many others, this is not the time for Innovations, and it Cannot be sufficiently inculcated on the part of Government that the Quebec Act is a sacred charter, granted by the King in Parliament to the Canadians as a security for their Religion, Laws and Property.

This statement of Haldimand's seems most remarkable when it is observed that on the very same day, in a letter written to the same person, he confessed that however sensible he was 'of the good Conduct of the Clergy in general during the Invasion of the Province in the year 1775, I am well aware that since the Address of Conte d'Estaing and a Letter of Monsieur de la Fayette to the Canadians and Indians have been circulated in the Province, many of the Priests have changed their Opinions, and in case of another Invasion would, I am afraid, adopt another system of conduct.'

[1] Haldimand to Germain, October 25, 1780; *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 488.

The actual state of the province in the years 1780 and 1781 was causing Haldimand serious alarm, and he found it necessary to adopt the most stringent measures to prevent open insurrection. Disaffection was not confined to any one class in the community. British-born as well as French Canadians showed signs of disloyalty. The success of the colonial arms had served to overcome such fear and hesitation as restrained many of the ancient subjects from open revolt. On the other hand, French-Canadian aversion to Puritan intolerance was neutralized by the open alliance between France and the rebel colonies. In a letter to Germain, marked *most secret*, he wrote that 'it is with great Grief that I see their attachment to France, concealed under a Zeal for the Preservation of their Religion, &c., will, on the first favourable occasion, engage them in the Interests of the Rebels, and it is with still greater Regret that I see many of His Majesty's Ancient Subjects declaring their Attachment to the Cause of the Rebels as openly as their own Safety will permit.'[1] So serious was the situation regarded by Haldimand that he was afraid to entrust arms to the citizens of his own province.

Haldimand had reason to believe, both from information from Sir Henry Clinton and from his own observation, that a plan had been prepared for a second invasion of Canada, and that it would receive the active assistance of all the forces of disaffection. A secret correspondence was being conducted between the rebel leaders and agents in Canada, and evidence was secured implicating Pierre Du Calvet, a French Protestant of Montreal, in the treasonable communications. Du Calvet was accordingly confined in prison at Quebec without legal trial. After his release he took occasion to make serious complaints against the conduct of the governor to himself personally and against the condition of the gaols. The charges of Du Calvet were utterly without justification. Within the limits which the public safety imposed, Haldimand had been particularly considerate of the personal welfare of Du Calvet. At a time when the

[1] Haldimand to Germain, November 23, 1781: the Canadian Archives, Q 19, p. 268.

greatest caution was necessary many persons were arrested on suspicion, but were liberated if satisfactory explanations were given of their conduct. Nor was there any more truth in his statements regarding the great number of arrests for political reasons. A great many prisoners of war were detained in the Canadian prisons, but there was no evidence to show that there were any unnecessary arrests on political grounds.

Not the least important of the tasks of Haldimand was the negotiation with Vermont, with a view to securing its return to the British fold. Negotiations were opened by General Ethan Allen as early as March 1779, when he promised Sir Henry Clinton to raise a force of four thousand men to operate against the American colonies. Germain instructed Haldimand and Clinton to take full advantage of this cleavage in the colonial forces. The negotiations, however, were not satisfactory; Allen and his associates preferred not to commit themselves so long as the rebel star was in the ascendant. The hopelessness of the situation impressed itself on Haldimand. Reporting his transactions privately to Clinton, he observed that 'if this Contest should evidently point to a favourable termination for Great Britain, Vermont will become Loyal, and offer Assistance we shall not stand in need of. But if unhappily the contrary, she will declare for Congress, being actuated as well by Interest as a Heart-felt attachment to their cause. In Six Months she will be a Respectable Ally to either side.'[1]

United Empire Loyalists

Before the revolutionary war had far advanced the migration of loyalists to Canada commenced, and it was under Haldimand's directions that the first settlements were established. In the autumn of 1778 he made special provision for the accommodation of the immigrants. Temporary buildings were constructed, stores and provisions supplied, and an effort made to establish the pioneers in comfort and security. After it became evident that the independence of

[1] Haldimand to Clinton, August 2, 1781: the Canadian Archives, B 147, p. 335.

the colonies was to be recognized, the stream of migration expanded into a flood, and more extensive preparations were made for its reception. Plans were adopted for permanent settlement; lands were surveyed along the St Lawrence, the Niagara, the Rideau and the Ottawa; grain and agricultural implements were distributed; mills were erected; and provision was made for the religious and educational needs of the community.

The war was concluded and the independence of the United States recognized by the Treaty of Paris, signed, September 3, 1783, by David Hartley for Great Britain and by John Adams, Benjamin Franklin and John Jay for the United States. The boundary between Canada and the United States was defined as follows: on the east, a line drawn along the middle of the River St Croix from its mouth in the Bay of Fundy to its source, from its source directly north to the height of land between the St Lawrence and the Atlantic, thence to the north-western head of the Connecticut River and along the river to the 45th degree of latitude; on the east and south, the 45th degree to the St Lawrence, the middle of the river to Lake Ontario, thence the middle of Lake Ontario and the water communications to the most north-western point of the Lake of the Woods, thence a line due west to the Mississippi. To the territory west of the Mississippi the United States presented no claim, and the definition of the boundary on the western plains was deferred to a later date.[1]

The people of the United States were granted the right to fish on the Banks of Newfoundland, in the Gulf of St Lawrence and 'at all other places in the Sea, where the Inhabitants of both Countries used at any time heretofore to fish.' They were also granted the liberty to take fish on such parts of the coast of Newfoundland as British fishermen should use, and also on the coasts, bays and creeks of the other British possessions in America, and to dry and cure fish on the bays, harbours and creeks of Nova Scotia, Magdalen Islands and Labrador so long as they remained unsettled.

[1] For the text of the Treaty of Paris see *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 491.

Congress undertook to 'earnestly recommend' to the legislatures of the States that the estates, rights and properties of 'real British Subjects' or of persons residing in British possessions who had not borne arms against the United States should be restored. Other persons were to be granted the liberty of residing unmolested in the United States for one year for the purpose of obtaining restitution of their property. It was also agreed that there should be no future prosecutions made against any persons for any part taken during the war, and 'that no Person shall on that account suffer any future loss or damage either in his person, liberty, or property.' On the other hand, His Majesty promised to withdraw with all convenient speed all his forces from the territories of the United States.

Few events have had a greater or more permanent influence on the destiny of the Canadian people than the revolt of the American colonies and the recognition of their independence. As Sir Charles Lucas has well observed, 'the national future of Canada demanded that she should be cut adrift from the old French colonial system' and also that she should be confirmed in her British connection. The Seven Years' War did sever the connection between Canada and France, but in their ignorance and folly British statesmen had undertaken to undo the work of Chatham and of Wolfe. A second conquest was necessary, and it was commenced by the loyalists, this time without the blare of trumpets and the thunderings of cannon. The loyalist migrations called a halt to the retreat which the Quebec Act had sounded. The separation from the colonial system of France was made clear and decisive. Henceforward Canada was destined to be British. The declaration of the independence of the United States was likewise the assertion of the individuality of the Canadian nation within the British Empire. Had the American colonies remained British, Canada might well have been absorbed within a continental confederacy. Canadian independence and national sentiment owes its greatest debt to either fear or jealousy of the more powerful nation to the south.

The success of the revolting colonies had likewise a most

important influence on the more immediate course of domestic politics in the Province of Quebec. The influx of British settlers cut directly athwart the purposes of the Quebec Act, and rendered it impossible that the policy which the act expressed should long be continued. New ideas of government, of land tenure, of commercial customs were introduced, and a test of strength between the old and the new became inevitable. On the other hand, the issue of the war elevated the Quebec Act to the dignity and importance of a charter of liberties. Prior to 1774, under British rule the French habitant was gradually securing his emancipation from the restraints of the feudal system. No demand had been made for the privileges which the Quebec Act was supposed to grant. The habitant rather desired to evade the authority of the noblesse and the clergy. This situation was entirely changed by the loyalist migrations. The fear of the loss of their religion, of their language, of their national institutions, consolidated all classes of French Canada against the British invaders. The French Canadians were driven in self-defence to take shelter in the Quebec Act. When the act was passed no discontent existed; when, ten years later, danger was scented the Quebec Act was eagerly seized as a ready and effective weapon of defence. French-Canadian nationalism is the lineal descendant of the Quebec Act and the loyalist invasion.

Haldimand Resigns

In April 1782 Haldimand was informed by Lord Shelburne that a powerful armament was being prepared at Brest destined for New York, Halifax, or Quebec, though it was strongly suspected that the latter point was its real objective. Under these conditions it was proposed to transfer Sir Guy Carleton, who since May had commanded the forces in America, from New York to Quebec. But here complications arose; Haldimand was an officer of higher rank than Carleton. Permission was accordingly given Haldimand to return to Britain on leave of absence, still retaining his commission as governor of the province. Haldimand was deeply grieved

by what appeared to him an expression of lack of confidence in his command. He wrote to Townshend:

> I have to request, Sir, that you will assure His Majesty that, devoted to His Service, and influenced by Principles of Attachment and Gratitude for His Goodness, I have sacrificed to a Sense of duty those Feelings of which a Soldier can never entirely divest Himself, at the Idea which the Earl of Shelburne entertained of the possibility, after so many years honorable Service, of my voluntarily remaining under the Command of a junior officer. My heart feels too sensibly the Force of His Majesty's Benevolence and Justice, not to be assured that such a Sacrifice will never be required of me as a duty.[1]

In a most pathetic letter he refers to his forty-three years of service as an officer, 'a stranger to Politics and to a Language which does not proceed from the Heart,' retaining his command only to suit the convenience of an inferior officer. He courteously requested permission to avail himself of His Majesty's leave of absence in order that he might be able to withdraw from 'a Mortification which has operated as effectually as if the Cause had really taken place.'

The prospective invaders did not arrive, and Haldimand was persuaded to remain in Canada until all danger from the south should be removed. The succeeding years of Haldimand's life at Quebec were not particularly happy. His health was poor; he complained of injuries received from a fall. He had not identified himself intimately with the life of the town. His relations with the council were not the most friendly; for, having refused to communicate his instructions to them, he had received a severe reprimand from the Board of Trade.[2] After the treaty of peace had been concluded the necessity for Haldimand's remaining in command was removed. Accordingly, on November 15, 1784, he embarked for England.

The impression which Haldimand's administration leaves is that he was capable of much greater service than his opportunities permitted him to render. He was emphatically

[1] Haldimand to Townshend, November 10, 1782: the Canadian Archives, Q 21, p. 1.

[2] See p. 431.

a soldier, yet the tests made on his military genius were not the greatest. Quebec remained true to its British allegiance, but during Haldimand's administration no determined effort was made which would test its loyalty. Had Haldimand been compelled to meet another invasion, it was his opinion that the issue might have been different. No opportunities for grand displays of statesmanship presented themselves. With others of his school, he believed in the supreme virtue of the Quebec Act, and he administered it as consistently as circumstances permitted. The purity of his motives and the fervour of his devotion to his adopted sovereign cannot but excite our strongest admiration. He can hardly be considered, however, to rank with Carleton either in military skill or political astuteness.

Hamilton and Hope

On Haldimand's departure the military and civil commands were separated. Henry Hamilton, the lieutenant-governor, who had formerly commanded the post of Detroit, assumed the civil administration, and St Leger was placed in command of the troops. Hamilton, whose appointment as lieutenant-governor dated from April 1782, had for some time before Haldimand's departure taken an active part in the government of the province. He presided over the meetings of the legislative council and served as a member of the Privy Council. Although he had a very limited knowledge of the needs of the province, he became an enthusiastic advocate of the introduction of British institutions, and in the council led the opposition to Haldimand's policy of maintaining inviolate the liberties granted by the Quebec Act. Haldimand's departure gave Hamilton free scope, save for the restraint of the council, and he immediately set to work to extend the application of British institutions. In 1785 he succeeded in inducing the council to pass an ordinance establishing trial by jury in commercial cases and also in actions in which damages were claimed for personal wrongs. Hamilton was compelled to meet the determined opposition of Haldimand and of Henry Hope, the commissary-general at Quebec. This combination proved too strong for Hamilton,

and in August 1785 he was informed that His Majesty had no further occasion for his services as lieutenant-governor. He was succeeded in the same month by Colonel Hope.

The instructions given to Lieutenant-Governor Hope indicate that even in 1785 the British government was seriously considering the possibility of a change in the administration of Quebec. Lord Sydney, the colonial secretary, expressed the hope that peace and happiness would soon be restored, 'and that all Parties will rest satisfied under their present System of Government, until such time as it can clearly be distinguished whether any and what regulations may be expedient for their future benefit and comfort.' [1]

A House of Assembly

The movement in favour of the creation of a popular assembly and the recognition of British commercial practice had already assumed definite form and was gradually gaining strength. In April 1784 William Grant presented a motion to the Legislative Council asking for the appointment of a committee to prepare a petition to the king and parliament praying for the constitution of an elective assembly. At the same time reasons were set forth in support of the petition. Attention was directed to the promise of 1763, which had in contemplation the establishment of representative government. But chief emphasis was laid on the inability of the council, under the terms of the Quebec Act, to levy taxes except for purely local purposes. An anomalous situation had been created. By the Declaratory Act of 1778 [2] the Imperial Parliament had relinquished all right of internal taxation in the colonies, and the Quebec Act was equally effective in preventing the collection of a revenue for provincial purposes. The interests of the province demanded that some branch of the government should be entrusted with the power of taxation, and British constitutional custom pointed to an elective assembly as the proper body to exercise such authority. The material improvement of the province was the object which the British section hoped to obtain by securing a

[1] Sydney to Hope, August 20, 1785: the Canadian Archives, Q 25, p. 36.

[2] See p. 427.

popular assembly. The consideration of Grant's motion was deferred, and in the meantime a resolution was carried expressing confidence in the provisions of the Quebec Act and requesting that they should be continued as 'the means of rendering the people of this Province indissolubly attached to the Mother Country, and happy in the Enjoyment of their Religion, Laws and Liberties.' [1]

In the November following, a few days after the departure of Governor Haldimand, a petition was prepared, largely signed by the British inhabitants, definitely formulating their demands respecting the government of the colony. The petitioners proposed the creation of a triennial House of Representatives with the power of taxation, and they suggested that it consist of not more than seventy members, elected by both new and old subjects. The membership of the council, they urged, should be increased to thirty. In addition to these changes in the government, they asked that the commercial laws of England should be recognized; that the Habeas Corpus Act should be made part of the constitution of the province; that the sheriffs of the districts should be elected by the assembly; and, with evident reference to the dismissal of Chief Justice Livius, that no officer of government be suspended without the consent of the council. Committees were formed both in Quebec and Montreal for the promotion of the petition.

The petition for a House of Assembly represented the opinion only of the British minority, which, in 1784, formed less than one-twentieth of the population of the province. The views of the majority were expressed in a petition of the Roman Catholic citizens to the king. A House of Assembly was not the desire of the Canadian people, 'who through Poverty and the Misfortunes of a recent War, of which this Colony has been the Theatre, are not in a Condition to bear the Taxes which must necessarily ensue, and that in many respects to Petition for it appears contrary to, and inconsistent with the well-being of the New Catholic Subjects of Your Majesty.' [2] 'In consideration of the Fidelity and Loyalty

[1] See *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 502.
[2] *Ibid.*, pp. 517 and 518.

of Your Canadian Subjects, to whose behaviour in the most critical Circumstances their former Governor, Sir Guy Carleton, has testified,' they entreated ' that the free Exercise of our Religion may be continued to us to the fullest Extent, without any Restriction, that our Municipal and Civil Laws may be preserved in their Entirety, and that with these two Points may be granted the same Privileges enjoyed by our Forefathers and ourselves before the Conquest of this Country by the victorious Arms of Your Majesty.' [1] Here, in the first definite declaration of French-Canadian nationalism, is revealed its essentially conservative character.

The effect which the settlement of the loyalists was to have on the government of Quebec was not long in manifesting itself. In April 1785 a petition was presented to the king, signed by Colonel Guy Johnson and officers of the royalist regiments, representing the loyalists resident in the Kingston district. In order to obtain the benefit of the laws under which they formerly lived, they proposed that the district westward of Pointe au Boudet, on the St Lawrence, should be created into a separate government distinct from the Province of Quebec. They made no request for a popular assembly, but asked that the administration should be entrusted to a governor and council appointed by the crown, yet subordinate to the governor and council at Quebec. In order to ensure a proper administration of justice, they suggested a division of the new territory into counties and the constitution of the necessary courts.

Lord Dorchester

The British government had already recognized that conditions affecting the government of Canada were undergoing a serious change. In April 1786 Lord Sydney informed Hope that previous to his appointment as lieutenant-governor ' His Majesty had it in contemplation to appoint a Governor-General over his remaining American Dominions, not only with a view of uniting their general Strength and Interests,

[1] See *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, pp. 517 and 518.

but for the more ready determination of Subjects upon which instant decision might be requisite.' For the execution of the important duties of this office no person could have been found more capable, alike from natural talent and experience, than Sir Guy Carleton. Carleton was accordingly appointed governor-in-chief of the provinces of Quebec, Nova Scotia, including Prince Edward Island and Cape Breton, and New Brunswick. In the following August, a few weeks before his departure for Canada, he was elevated to the peerage as Baron Dorchester. The new governor was accompanied by William Smith, who, at Dorchester's request, had been appointed to the office of chief justice of the province, vacant since the spectacular departure of Peter Livius. In the pre-revolutionary days Smith had been chief justice and a member of the council of the colony of New York. Dorchester, when as Sir Guy Carleton he held command in New York, had made Smith's acquaintance and had returned to England with him in 1783. He had evidently placed a high estimate on Smith's abilities, for the appointment as chief justice was made despite the opposition of Sydney, and only on the condition of the new governor assuming responsibility for the conduct of his protégé.

The new chief justice brought to the exercise of his functions an emphatic preference for British laws and institutions of government. The first case which met him in the Court of Appeals raised an important issue regarding the interpretation of the Quebec Act. In a civil action, in which all the parties either directly or remotely concerned were English, the Court of Common Pleas had ruled that the Quebec Act required that every dispute of property should be settled according to the ancient customs of the province. In the Court of Appeals this decision was reversed, and the chief justice, in explaining the ground of the decision, laid down the doctrine that, while in a case in which justice required resort to the French code, French law gave the rule and the action should be in accordance with the Quebec Act; in a case which was purely English the law of England was the test, and that if the Quebec Act did not justify a deviation the 'Practice of the Courts of England directed the *Main*

Progress and conduct of the Suit.'[1] This decision seemed to endanger the civil rights previously thought to have been conferred on the French Canadians by the Quebec Act, and caused serious alarm throughout the province.

Administrative Reform

That the confusion in the administration of justice, which it was designed to remove, had been only doubly confounded by the Quebec Act was made very evident by the proceedings in the legislative council following Lord Dorchester's return. The civil courts were regulated by a temporary ordinance, so that the necessity of renewing the legislation revived periodically the dispute regarding the administration of justice. In 1787 a bill was introduced by the chief justice modifying slightly the constitution of the courts and embodying the principle previously laid down in the decision above stated, which limited the application of the French civil law. The bill was rejected and another on more conservative lines was introduced by Paul Roc de St Ours. The second bill was stoutly opposed by the merchants, who requested and were granted the privilege of adducing evidence against the proposed legislation. They were represented before the legislative council by James Monk, the attorney-general, who in the course of his address accused the Court of Appeals of inconsistency and the Court of Common Pleas of partiality in their decisions. These charges caused an unwonted flurry throughout the province, and induced Lord Dorchester to authorize the chief justice to conduct a thorough investigation into the administration of justice. The investigation was most thorough and revealed a hopeless state of confusion.[2] No corruption could be imputed to the judges; the law which they were required to administer was so confused that their decisions could not well escape imputations of partiality and arbitrariness.

The condition of the courts and of the administration of

[1] See Smith to Nepean, January 2, 1787: *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 569.

[2] For the minutes of the proceedings see the Canadian Archives, Q 29, pt. 1 to Q 34, pt. 2.

justice induced in the mind of Lord Dorchester serious misgivings as to the virtue of the Quebec Act. 'It unfortunately happened,' he wrote, 'that the Quebec bill, which gave entire satisfaction to the latter [the French Canadians], took place at a time when the Province was too much disturbed by the late rebellion to think of anything further than self-defence and immediate preservation; and it was no small addition to this misfortune, that the province has been left so many years without a Law Officer of the Crown, to Assist in regulating the Courts of Justice.'[1]

Soon after his return Lord Dorchester divided the council into four committees in order to secure an accurate and detailed survey of the affairs of the province. The courts of justice, the militia and communications, population, agriculture and settlement, and commerce and police were made the subjects of separate reports. The investigations of the committee on commerce brought into direct conflict the rival claims regarding the civil law of the province. The merchants of Quebec and Montreal, at the request of the committee of the council, presented their opinion on the needs of commerce, and urged the adoption of the reforms in the law suggested in the petition to the throne of 1784. Counter claims were advanced by the French Canadians. In a petition to Lord Dorchester their position is very clearly stated.

> The capitulation, by expressly granting to us the full and quiet right and possession of our Estates, noble and ignoble, personal and real, has necessarily preserved to us the Municipal Laws which define them. And one of the Sections of the Statute of the 14th year of the Reign of His Most Gracious Majesty justly considering this Country a Conquered one, has so clearly allowed them to us, that the Courts of Justice ought not to entertain a Doubt that it was meant to introduce any other Laws, which have never been promulgated in this Province, for their most celebrated Commentators declare that they have no force in countries which are conquered and already inhabited.[2]

[1] Dorchester to Sydney, June 13, 1787: *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 587.

[2] *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 621.

Lord Dorchester was gradually becoming convinced that some change, if not in the government, at least in the laws, was necessary. He saw the movement in favour of an elective assembly daily gaining strength, yet he feared the adoption of any constitutional change until the plan had been most carefully considered. Still he was forced to confess that he was 'as yet at a loss for any plan likely to give satisfaction, to a people so circumstanced as we are at present.'[1] To Lord Dorchester the change of the system of land tenure seemed most important, and he recommended that the governor and council should be authorized to grant the crown lands in free and common socage. 'Whatever merit this system might have had formerly,' he wrote to Lord Sydney in reference to the feudal tenure, 'so great have been the changes of late years on this Continent, that a new line of policy, adapted to the present relative condition of the neighbouring States, and suited to the minds and temper of the King's Subjects, is become indispensably necessary for Great Britain.'[2]

At the same time Dorchester suggested the wisdom of reserving within each township one-sixth of the lands to be granted in the future under the king's directions. These lands would, he urged, enable the crown to reward deserving servants within the province and also 'to create and strengthen an aristocracy, of which the best use may be made on this Continent, where all Governments are feeble, and the general condition of things tends to a wild Democracy.'[3] Here was born the scheme of the crown reserves, which was destined to a stormy career, and here also may have originated the design of the British government to create a colonial aristocracy.

Adam Lymburner

Canadian affairs were brought prominently before the British parliament during the session of 1788. Adam Lymburner, a Scotch-Canadian merchant and agent of the

[1] Dorchester to Sydney, June 13, 1787: *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 646.

[2] *Ibid.* [3] *Ibid.*

British inhabitants, was heard at the bar of the house in support of the petition of November 1784, in favour of a legislative assembly. In a long and very able paper Lymburner reviewed the defects of the system of laws, and strongly urged the introduction of British commercial law and the constitution of a popular assembly. It became evident that the question could not long be deferred, and the government undertook to consider it during the next session. The British authorities placed every confidence in the judgment of Lord Dorchester, and resorted to his opinion on the introduction of representative government and the change of the civil law.

The demand for a popular assembly was confined almost entirely to the British inhabitants. Their reasons remained the same as in 1764, when the agitation began. The British element was vitally interested in promoting commerce and industry, and desired that the government should be endowed with authority to undertake public improvements and to remove restraints upon the transfer of property and the pursuit of trade. They counted on the steady reinforcement of their numbers by immigration, and, by a favourable distribution of seats in the assembly, expected that in time they would exercise a control over provincial legislation. The habitants took little interest in the agitation. They were unacquainted with the nature of representative institutions, and in not a few cases were afraid lest this innovation might destroy their cherished liberties. The clergy, their needs having been fully satisfied by the Quebec Act, according to Lord Dorchester, were keeping free from the discussion. Opposition to an elective assembly came chiefly from the seigneurs. They saw in it the introduction of laws to which they were strangers, and which might be turned into a weapon to despoil them of the vestige of feudal authority which remained to them. Very wisely they expressed a fear that the necessity of appealing to an electorate such as the rural districts of French Canada afforded would be attended with serious political dangers. The noblesse and habitants alike were suspicious of the power of taxation, and felt in no way inclined to contribute to the fortunes of English interlopers.

The division of the province had already been suggested by Lord Sydney, but was opposed by Dorchester. 'A division of the province, I am of opinion,' he wrote, 'is by no means advisable at present, either for the interests of the new or the ancient districts, nor do I see an immediate call for other regulations, than such as are involved in the subject of the general jurisprudence of the country. Indeed it appears to me that the western settlements are as yet unprepared for any organization superior to that of a county.'[1] He suggested, however, that the upper country should be given some organization under the control of a lieutenant-governor, subordinate to the governor-in-chief at Quebec. Should the British government persist in its intention of dividing the province, Lord Dorchester saw no objection to granting the advantages of elective assemblies.

The Canada Bill

By October 1789 the British government had formulated its Canadian policy. William Grenville, who had resigned from the office of speaker of the House of Commons to take charge of the Home department, forwarded a draft of the proposed bill for Lord Dorchester's criticism, and at the same time outlined the principles upon which the reform was being made. The bill provided for the division of the province and for the constitution of an executive council and a legislature composed of a legislative council, whose members the king proposed to distinguish by some special mark of honour, and a legislative assembly elected by the people of each province.

The general policy of the government in creating the new constitution was visibly influenced by the revolt of the American colonies. The general plan of the bill was declared by Grenville to be 'to assimilate the Constitution of that Province to that of Great Britain, as nearly as the difference arising from the manners of the People and from the present Situation of the Province will admit.'[2] Reverting to the

[1] Dorchester to Sydney, November 8, 1788: *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 655.

[2] Grenville to Dorchester, October 20, 1789: *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 664.

Treaty of Paris of 1783, he declared his belief that 'it is a point of true Policy to make these Concessions at a time when they may be received as matter of favour, and when it is in Our own power to regulate and direct the manner of applying them, rather than to wait 'till they shall be extorted from us by a necessity which shall neither leave us any discretion in the form, nor any merit in the substance of what we give.'[1] The trouble with the American colonies was likewise responsible for the attempt to create a colonial aristocracy. It was designed to give to the upper house a greater weight and consequence than was possessed by the old colonial councils, and to enlist in the support of the government a group of men attached by the motives which hereditary distinction would inspire.

Dorchester's arguments against division had not been neglected. Still, Grenville considered that the creation of popular assemblies removed the force from the governor's objections. He considered that 'the great preponderance possessed in the Upper Districts by the King's antient Subjects, and in the Lower by the French Canadians, should have their effect and operation in separate Legislatures; rather than that these two bodies of People should be blended together in the first formation of the new Constitution, and before sufficient time has been allowed for the removal of antient prejudices, by the habit of obedience to the same Government, and by the sense of a common interest.'[2]

The original draft of the Constitutional Bill was revised by Lord Dorchester and Chief Justice Smith in certain important particulars which required a knowledge of local conditions. In this connection the chief justice suggested a change in the organization of government, which enjoys the distinction of being the first proposal of a Canadian federation. Smith drafted a series of clauses to be added to the new Canada Bill which provided for a legislative council and assembly for 'all His Majesty's Dominions and the Provinces whereof the same do now or may hereafter

[1] Grenville to Dorchester, October 20, 1789: *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 663.

[2] *Ibid.*, p. 664.

consist in the parts of America to the Southward of Hudson's Bay, and in those seas to the Northward of the Bermuda or Somers Islands.'[1] His Majesty was to be authorized to erect such executive councils or other governing bodies as he should deem requisite.

It must be said to the credit of Chief Justice Smith that, whether or not he fully appreciated the significance of his own proposals, he displayed a most remarkable and truly prophetic political perception. Before the American colonies revolted Smith had proposed a federation of all of the North American provinces, and his Canadian scheme was suggested by his experience in New York. Writing to Lord Dorchester in defence of his proposal, he pointed to the condition of colonial governments as the cause of the American revolt. The colonies had outgrown their government half a century before the rupture commenced.

> An American Assembly, quiet in the weakness of their Infancy, could not but discover in their Elevation to Prosperity, that themselves were the substance, and the Governor and Board of Council mere shadows in their political Frame. All America was thus, at the very outset of the Plantations, abandoned to Democracy. And it belonged to the Administration of the days of our Fathers to have found the Cure, in the Erection of a Power upon the Continent itself, to controul all its own little Republics, and create a Partner in the Legislation of the Empire, Capable of consulting their own safety and the common welfare.[2]

The proposal of the chief justice received the attention of the government, but it was at the time held to be 'liable to considerable objection.'

Lord Dorchester's draft of the Constitutional Bill was received too late in the session of 1790 to permit the government to introduce any legislation, but in the following session the scheme of reform was brought forward in its final shape. On January 25, 1791, a royal message announced the king's

[1] For Smith's scheme see *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 687.

[2] Smith to Dorchester, February 5, 1790: *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 686.

intention of dividing the Province of Quebec into the two provinces of Upper and Lower Canada, and recommended that in each province an appropriation should be made for the support of a Protestant clergy. Pitt introduced the bill early in March, and during the course of the discussion Adam Lymburner was heard at the bar of the house in opposition to the division of the province. During its course through parliament the bill underwent several minor changes. The term of the House of Assembly was reduced from seven to four years, and the membership of the assembly of Lower Canada was increased from thirty to fifty. The bill in its final form passed the House of Commons on May 18, and received the royal assent on June 10 following.

The Constitutional Act

The Constitutional Act, while not itself dividing the Province of Quebec, proceeded on the assumption that such a division would take place. There were very specific reasons for this omission. The division of the province would have involved a definition of its boundaries, and the British government was not at this time anxious to express itself on the question of Canadian boundaries. The first draft of the bill was silent on the boundary question, and in transmitting it Grenville drew attention to the difficulty of describing the boundary between Upper Canada and the United States,

> as the adhering to the Line mentioned in the Treaty with America would exclude the Posts which are still in His Majesty's Possession, and which the infraction of the Treaty on the part of America has induced His Majesty to retain, while on the other hand the including them by express words within the Limits to be established for the Province by an Act of the British Parliament would probably excite a considerable degree of resentment among the Inhabitants of the United States, and might perhaps provoke them to measures detrimental to Our Commercial Interests.[1]

Various diplomatic definitions were suggested, but it was

[1] Grenville to Dorchester, October 20, 1789: *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 664.

decided to avoid any embarrassment which a public discussion in the house might produce by permitting the king by order-in-council to fix the limits of the provinces.

The act provided that within each of the provinces there should be a legislative council and assembly. The council was to consist in Upper Canada of not less than seven members and in Lower Canada of not less than fifteen members, who were to be appointed by the governor on the authority of the crown. The idea of creating a colonial aristocracy was retained, and His Majesty was empowered to attach to hereditary titles of honour the right of being summoned to the legislative council.[1] The legislative assembly was to be composed in Upper Canada of not less than sixteen and in Lower Canada of not less than fifty members, while the governor was authorized to divide the provinces into electoral districts. A property qualification was demanded of electors, though not of members of the House of Assembly. The governor was required to summon the council and assembly at least once in each year, but he could at any time exercise the prerogative of dissolution.[2]

The royal intention of making a special appropriation for a Protestant clergy was carried into execution by the governor receiving authority 'to make, from and out of the Lands of the Crown within such Provinces, such Allotment and Appropriation of Lands, for the Support and Maintenance of a Protestant Clergy within the same, as have at any time been granted by or under the Authority of His Majesty.'[3] The proportion was then fixed at one-seventh of the lands of the crown. All rents arising from the clergy reserves were required to be devoted exclusively to the support of a Protestant clergy. At the same time the governor was authorized, on the advice of the Executive Council, to erect parsonages 'according to the Establishment of the Church of *England*,' and to endow them with such part of the clergy reserves as the council should consider expedient. The

[1] For a discussion of the constitution of the legislative council see p. 465.

[2] On the House of Assembly see p. 468.

[3] Article xxxvi of the Constitutional Act. See *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 703.

supremacy of the crown over the church was maintained in authorizing the governor to present incumbents to the various parsonages who should enjoy all 'Rights, Profits, and Emoluments thereunto belonging or granted, as fully and amply, and in the same Manner, and on the same Terms and Conditions, and liable to the Performance of the same Duties, as the Incumbent of a Parsonage or Rectory in *England*.'[1]

The question of land tenure, regarded by Lord Dorchester as so highly important, received special attention. It was enacted that all lands in Upper Canada should be granted in free and common socage, and, to secure uniformity in the tenure, provision was made whereby lands held according to any other tenure could, on surrender, be regranted in free and common socage. In Lower Canada, on the demand of the grantee, lands were given on the English tenure, subject, however, to such conditions as the provincial legislature might impose.

By an order-in-council of August 24, 1791, the Province of Quebec was divided into Upper and Lower Canada, and the secretary of state was instructed to authorize the governor of the province to fix a date for the commencement of the act not later than December 31. On November 18 Alured Clarke, the lieutenant-governor of the province, issued a proclamation declaring the act to take effect December 26, 1791. The interprovincial boundary fixed by the order-in-council followed closely that suggested by Lord Dorchester. From the St Lawrence it followed the western and north-western limits of the seigniory of Longueuil and the seigniory of Vaudreuil until it reached the Ottawa River, thence along the river to Lake Timiskaming and northward from the head of this lake to the territory of the Hudson's Bay Company.[2] Lord Dorchester's new commission as governor, issued in September, was very cautious in its definition of the boundaries. After reciting the line of division between Upper and

[1] Article xxxvi of the Constitutional Act. See *Constitutional Documents, 1759-91*, Shortt and Doughty, 1907, p. 703.

[2] The definition of the boundary in the order-in-council was evidently founded on an erroneous map, for it assumed two points to be coincident which were many miles distant. The intention of the order, however, was quite clear.

Lower Canada, it stated that the upper province was to comprehend all the lands lying to the westward, and the lower province all the lands to the eastward 'as were part of our said province of Quebec.'

In framing the Constitutional Bill the British government was relieved of the necessity of designing means of restraining disaffected colonies. Canada and Canada alone was the object of attention. Such being the case, it was but natural that the policy of the Quebec Act should largely be reversed. The fallacy of the principles upon which the Quebec Act had been constructed had now been amply demonstrated. The possibility of preserving Canada as a French colony and of restoring the colonial system of the French monarch had been most effectively disproved. The unhappy consequence was that British policy swung to the other extreme. A French system of government had proved impossible; the new government was to be British in the fullest sense. The political ills of Canada were to disappear under the beneficent sway of the British constitution.

The suspicion cannot be removed that Pitt and his ministers did not give to the Canada question the serious consideration which it deserved. By conferring a government which was to be the 'image and transcript of the British constitution,' the irreconcilable principles of progress and reaction were to be harmonized. It mattered little whether this conflict were complicated and embittered by differences of racial tradition and religious prejudices—the British constitution was abundantly capable of performing the impossible. The manner in which this task was to be accomplished betrays a sad ignorance of the actual situation. The province was to be divided, and one section was to be preserved free from French influence. In this fertile soil the British constitution was to be planted. Here it would grow and bear rich fruit and excite the admiration and envy of the French subjects in the lower province. The problem of government in Lower Canada, where the real problem existed, was to be solved in the loyalist settlements of Upper Canada. Had Pitt been thoroughly acquainted with the situation, such a short-sighted solution would not have been attempted.

The attitude of the British government seems to have been to get through the Canada business with as little trouble as possible. Despite Grenville's dispatches, Lord Dorchester, who, above all others, knew the Canadian situation in all its detail, was not taken into the confidence of the ministers. The main principles of their policy had been determined before Dorchester was consulted. He resolutely opposed the division of the province, but to no effect. His opinion on the granting of a representative legislature was not expressed. His warnings regarding an hereditary aristocracy were disregarded. Only when the broad lines of the new constitution had been drawn was Dorchester asked to fill in the minor detail.

The division of the Province of Quebec in 1791 originated in a very benevolent intention on the part of the British government ; yet, as Lord Dorchester perceived, it could not fail to be a serious political error. It was hoped by the division to permit each race to work out its political destiny on lines most agreeable to itself. The government feared to complicate the dangers attending the institution of a new form of government by introducing racial strife and jealousy. The cities of Quebec and Montreal, where British influence was predominant, were a stumbling-block to the benevolent intention of the act, so far as Lower Canada was concerned. A division which would have carried out the purpose of the government was geographically impossible. Lower Canada was still destined to be rent asunder by racial faction. The answer which Grenville gave to Dorchester's objections to a division was peculiarly ill-advised. The granting of a representative assembly only aggravated the error of the division. Had Quebec remained undivided, with a legislative assembly, the opposing parties would have been so evenly divided that the forces working towards conciliation would have had an opportunity to operate. The overwhelming preponderance of one party made compromise impossible.

The division of Quebec introduced into a sphere already surcharged with strife the jealous antagonism of one province against another. Geographical conditions com-

plicated interprovincial relations. Upper Canada was compelled to receive its imports by means of a highway controlled by another government. In order to secure a revenue from imports, the government of Upper Canada could either establish customs houses on the frontier of Lower Canada and subject imports to two duties, or submit to such agreement as she could arrange with the lower province. Two sets of customs duties, with the enormous expense of collection, would have been impossible. Upper Canada was therefore driven to the alternative of negotiating with its sister province in order that it might secure its share of the customs dues collected in Lower Canada. Herein was created a constant source of irritation, which was removed only by the reunion of the provinces in 1841.

The provisions of the act creating a colonial aristocracy were harmless, because, experience soon revealing their absurdity, they remained a dead letter. Lord Dorchester had pointed out that 'the fluctuating state of Property in these Provinces would expose all hereditary honors to fall into disregard,'[1] but the government thought itself wiser than Lord Dorchester. These clauses of the act testify alike to the fidelity with which the outer form of the British constitution was to be reproduced in Canada and to the ignorance on the part of the British ministry of the conditions to which it was to apply.

The most important feature of the Constitutional Act was the granting of a representative assembly as part of the British constitution. The form of the British constitution could be transplanted, but not so those indefinable relations which we term the spirit of the constitution. The success of the new constitution depended on the spirit in which it was operated, and this, from necessity, was the product of colonial conditions. The British constitution in Britain and the British constitution in Canada were totally different instruments of government. In this connection the Constitutional Act inherited from its ancestor, the Quebec Act, unfortunate disabilities which time proved to be of fatal consequence.

[1] Dorchester to Grenville, February 8, 1790: *Constitutional Documents, 1759-1791*, Shortt and Doughty, 1907, p. 675.

The Quebec Act gave French Canada a guarantee that Quebec should remain French, and French Canada was justified in asserting its constitutional rights. The Constitutional Act granted British institutions of government to a community prepared and determined to employ them for the purpose of extinguishing all else that was British. Principles fundamentally contradictory were introduced and a conflict became inevitable. The history of the succeeding fifty years is but the story of the contest between conservatism allied with British constitutional principles and reform sheltered beneath the protection of authority.

Duncan McArthur

LOWER CANADA
1791-1812

LOWER CANADA, 1791-1812

Inauguration of Representative Government

THE Constitutional Act was to be inaugurated not by Dorchester, the veteran governor who had piloted the province over many dangerous seas, but by the lieutenant-governor, Major-General Alured Clarke, who, though he had won distinction in various important commands, had had little experience with such problems as Lower Canada presented in 1791. Clarke proved himself to be a very capable officer and was greatly assisted by an excellent executive council. The instructions to the governor authorized him to appoint to the executive council Chief Justice Smith, Paul Roc de St Ours, Hugh Finlay, Francis Baby, Thomas Dunn, Joseph de Longueuil, Adam Mabane, Pierre Panet and Adam Lymburner. All had been members of the former legislative council excepting Panet, who was a judge of the Court of Common Pleas, and Lymburner, whose prominence in the movement for a reformed government seemed to justify his selection.

One of the first questions to receive the attention of the new government was the division of the province into counties and the allotment of representation. The population of the province in 1790 was estimated at 160,000 inhabitants, of whom 18,000 resided at Montreal and 14,000 at Quebec.[1] While the south-eastern borderland and the district which was to be known as the Eastern Townships had profited by the loyalist migrations, settlement had not yet ventured far from the three highways of traffic, the St Lawrence, the Richelieu and the Ottawa. On May 7, 1792, Alured Clarke issued a proclamation fixing the bounds of the cities of Quebec and

[1] See the *Report on the Censuses of Canada, 1665 to 1871*, vol. iv. p. 75.

Montreal and of the boroughs of Three Rivers and William Henry, and dividing the province into twenty-one counties. The determination of the basis of representation was a very delicate problem, for on it depended very largely the complexion of the House of Assembly. The settlement reached by Clarke, however, was eminently satisfactory as conditions then existed, but contained no provision for readjustments to meet relative changes in population. Provision was made for fifty representatives. The cities of Montreal and Quebec were each allotted four members, the borough of Three Rivers two, and the borough of William Henry one. Two representatives were given to each of the counties excepting the three least populous, Gaspe, Bedford and Orleans, which had to be content with one each.

The first provincial election was held in June 1792, and the first parliament was called for December 17. The conditions under which the first representative assembly met in Lower Canada deserve attention. The idea of representation had been alien to the French Canadian's traditions and conceptions of government. On this occasion the demand for representation had not been made by him ; on the contrary, he concealed a suspicion that, perchance, this innovation might be converted into some instrument of oppression. Moreover, only the framework of the constitution had been determined. The Constitutional Act contained no statement as to the extent of the legislative power of parliament, as to the relation of the branches of the legislature to each other, or as to the relations between the legislature and the executive. The French Canadian was embarking on new seas with no other compass than that vague body of custom and convention which the political genius of the British people had evolved to meet conditions widely different from those which existed in Canada.

The first assembly was, in many respects, the strongest and most representative ever elected in Lower Canada. Among its members could be found the leading merchants, the foremost advocates, and not a few of the French-Canadian seigneurs. The responsibility which the new situation created found a fitting response in the return of a thoroughly capable

and intelligent assembly. The chief task of the first assembly was to establish itself as part of the new machinery of government. It had to determine its own procedure and, as far as possible, its relations to the other branches of government before it could undertake the larger issues of provincial policy. Nevertheless distinctions of race were by no means obliterated. Lieutenant-Governor Clarke, reporting the proceedings of the assembly, took occasion to observe that

> The Canadian Members having, as they conceived, established their consequence by evincing to the public that they acted in concert, and were able to control every question that was agitated : finding also that the English Members in general conducted themselves with that temper, moderation and good sense by which the Public Service is always best promoted, the invidious distinctions that at first appeared had previous to the Prorogation in great measure vanished.[1]

Lord Dorchester's Return

After an absence of two years Lord Dorchester returned to Canada in September 1793. While the conduct of Alured Clarke as administrator of the province was beyond reproach, it was unfortunate that Lord Dorchester was absent during the inauguration of the new system of government. Alured Clarke's commission limited his powers to Lower Canada and placed him on a basis of equality with Colonel Simcoe, the lieutenant-governor of Upper Canada. The new constitution had contemplated making the office of governor-in-chief an important factor in government, yet for two years after the inception of the constitution the functions of that office were practically suspended. The result was that when Lord Dorchester returned he found methods of government which ignored the chief command adopted and confirmed by practice.

This disregard of the authority of the governor-in-chief applied in particular to the attitude of Lieutenant-Governor Simcoe. Dorchester and Simcoe regarded the government of the Canadas from totally different view-points. Simcoe

[1] Clarke to Dundas, July 3, 1793 : the Canadian Archives, Q 63, pt. 2, p. 310.

had just passed his fortieth year. He possessed an exuberant energy which chafed under any restraint. He was an idealist, and time had not yet shattered his dreams. Dorchester, now in the evening of his life, preferred repose and was inclined to insist on receiving the deference of his inferiors. He had always been intensely practical, and experience had but confirmed his distrust of visionaries. Simcoe was a loyalist of the loyalists. He had commanded them during the war ; he admired their loyalty to the crown ; and now that an opportunity had arrived, he determined that they should receive full compensation in the loyalist province of Upper Canada. Dorchester was likewise familiar with the loyalists. He had been detained in New York to afford them special protection ; he knew the motives which prompted many of them to migrate to Canada. They had already given him trouble in Lower Canada, and he had seen that as their numbers increased the danger of a serious conflict became greater. Dorchester had no reason to become enthusiastic over the migration of the loyalists. In addition, the element of personal rancour may not have been absent from the relations between Dorchester and Simcoe. In 1782 an order had been issued for the promotion of the officers of Simcoe's regiment, the Queen's Rangers, but through the interference of Carleton, then in command of the British forces in America, it had not been carried into execution. And again, Simcoe had been appointed lieutenant-governor after Dorchester had earnestly recommended Sir John Johnson.

Before his departure from Britain Simcoe had discussed the Upper Canadian situation at great length with Henry Dundas, the new colonial secretary, and considered that he was being entrusted directly by His Majesty with the execution of a most important policy of settlement and colonization. It is not surprising, then, that he should have considered himself as responsible to the king through his ministers, and should have disregarded the intermediate authority of the governor-in-chief. Not only so, but he resented the interference of Lord Dorchester in the affairs of Upper Canada. Their authorities came into more direct conflict in connection with Indian affairs. The Indian department, which had

charge of the native tribes of Upper Canada, came under the control of the commander-in-chief at Quebec. This system Simcoe regarded as particularly vicious at a time when the safety of the province was threatened by warfare between the natives and the United States. The people of the upper province, declared Simcoe, demanded the independence of their first magistrate as necessary no less 'to promote the Authority of the Crown, than to prove their own Emancipation from the Province of Lower Canada, and Military Government.'[1]

One of the chief purposes of the Constitutional Act was, in Dorchester's mind, to prevent the situation which Simcoe seemed determined to create. Lord Dorchester favoured Chief Justice Smith's policy of federation, and would gladly have resorted to any plan of government which might strengthen the central executive. The Simcoe policy of government was in direct contradiction to the Dorchester policy.[2] Lord Dorchester repeatedly protested against this policy of subdivision, which he regarded as only inviting in the Canadian colonies a repetition of the conditions which caused the loss of the American colonies. 'A different system has since been adopted, tending to revive the old Colonial Practice, which from an early period prepared, and gradually rendered all things favourable for Leaders of Rebellion, to usurp from Government the Confidence and Gratitude of the People; and ended in Revolt and Dismemberment of the Empire.'[3]

The conditions of the time were unfavourable to Dorchester's policy of government. Before a federation became possible it was necessary that the separate colonies should pass through the provincial stage. The interests of each of the colonies were distinct and at this period offered no common basis for united action. The practical necessities of the situation demanded that the provinces should communicate independently with the British government and should

[1] Simcoe to Portland, February 17, 1795: the Canadian Archives, Q 281, pt. 1, p. 273.

[2] For a further discussion of this question see p. 180.

[3] Dorchester to Portland, February 20, 1795: the Canadian Archives, Q 71, pt. 2, p. 313.

pursue a provincial course of development. The decision of the government on this question, though accompanied by expressions of confidence in his administration, could not but have been a painful disappointment to Lord Dorchester. Long years of experience in colonial administration had convinced him that the policy which the Colonial Office was permitting to develop would prove fatal to the North American empire. His confidence in the judgment of his masters was destroyed, and with it the pleasure of service disappeared.

The death of Chief Justice Smith in December 1793 removed from the Executive Council the adviser in whom Dorchester had most confidence. The appointment of a successor gave Dorchester an opportunity of discussing the relation of the various civil officers of government to the central executive. The system of fees and perquisites, which had attracted Dorchester's attention as early as 1766,[1] again came in for criticism. 'The objection is not to Individuals, but to a system of Policy, which in the ordinary course of Things alienates every Servant of the Crown from whoever administers the King's Government. This Policy I consider as coeval with His Majesty's Governments in North America and the cause of their destruction.'[2] The general system under which officers were appointed to the colonies was seriously at fault. Appointments were made as rewards for political services and without regard to the fitness of the official for the duties of his office. The public official, considering his appointment as but an opportunity for personal gain, paid special attention to the fees of office. The diminution in the authority of the executive which this system involved was, in Lord Dorchester's view, a very serious defect in the administration of the colonies.

Relations with the United States

At the time of the passing of the Constitutional Act the frontier of the upper province was the scene of a bitter warfare between the native tribes and the United States. While the

[1] See p. 37.

[2] Dorchester to Dundas, December 31, 1793: the Canadian Archives, Duplicate Despatches, Lower Canada, 1793.

treaty of 1783 had defined the boundary between Canada and the United States, the posts which Britain possessed south of the boundary-line were still retained, owing to the failure of the United States to fulfil its treaty obligations. At the same time the Indians resolutely refused to abandon to the United States the territory north of the Ohio River. In the autumn of 1791 General St Clair led an American expedition into the Miami territory and suffered a serious defeat. The government of the United States protested against the assistance which the natives were receiving from British agents, and there is every reason for believing that in the interests of trade aid was secretly given to the Indians. The war wore on with varying success, but with no decisive engagement in favour of either party.

At the same time Canada was in danger of attack from another quarter. The French Revolution was already absorbing the interest of Europe. The debate on the Constitutional Act Burke had endeavoured to convert into an attack on the principles of the revolutionary party. The Republic was established in the autumn of 1792, and in the February following war was declared between France and Britain. The Revolution had drawn a clear line of demarcation in public sentiment in the United States. The assistance which the United States received from France at the time of the revolt had not been forgotten, and the enthusiasts of republicanism were highly delighted that one of the foremost European states had followed the lead of the New World republic. Popular sympathy was very largely manifested in favour of France. The republican party, under the leadership of Thomas Jefferson, Washington's secretary of state, was particularly hostile to Britain. The federalists, who were under the saner direction of Alexander Hamilton and John Jay, the first chief justice of the country, were firm in their advocacy of a strict neutrality. To this party Washington himself inclined, and, in the face of an ill-concealed popular demand for war, he issued a declaration of neutrality in April 1793.

Under existing conditions there was a danger that the United States might be used as a basis of action against

Canada. Genet, the representative in the United States of republican France, was actively engaged in inciting the habitants of Lower Canada to revolt. Literature was circulated and agents were dispatched throughout the rural districts calling on the inhabitants to cast off the yoke of British bondage. The France for which support was now claimed was not the France to which the French Canadian was attached. The French Canadian was a monarchist and a faithful son of the church, and could not brook the outrages which were committed on the most sacred institutions of his fatherland. The attorney-general of the province, James Monk, wrote alarming reports on the extent of disaffection, but these seem to have been very highly coloured. There were, doubtless, expressions of sympathy with the Republic and of disloyalty to Britain, but they were of a kind not to be taken too seriously. Nevertheless the conditions were such as to cause Dorchester alarm and to remind him of the weakness of the thread by which Canada was held.

In the spring of 1794 the situation was critical. It was believed that General Anthony Wayne was ready to advance at any moment on the Canadian posts. A report was current at Quebec that the State of Vermont had proposed to Congress to undertake the reduction of Canada without assistance from the federal government, provided the troops were permitted to plunder the inhabitants. Montreal was known to contain several persons of most seditious inclinations who maintained communication with their American friends by means of an extension of the masonic lodges in Montreal.

While estimating to the full the strength of the forces tending to hostility, Dorchester himself was an ardent advocate of peace. He wrote thus to Dundas shortly after returning to Canada :

> I must acknowledge that the interests of the King's American Dominions require Peace ; and I think that the Interests of the States require it still more though their Conduct both to us and the Indians has created many difficulties. What Revolutions may take place there in the progress of time I think impossible to foresee,

> but am clearly of opinion that not War, but a pure and impartial administration of justice under a mild, firm and wise Government, will establish the most powerful and wealthy People.[1]

It is before this background that Dorchester's 'alarming' speech to the Indian tribes in 1794 must be viewed.

The Indians of the villages of Lower Canada assembled at Quebec in February 1794, and Lord Dorchester took occasion to warn them of the dangers which threatened the peace of the country. He had hoped that a new boundary-line would have been found to the south, but, he declared, 'Since my return I find no appearance of a line remains; and from the manner in which the People of the States push on, and act and talk on this side and from what I learn of their Conduct towards the Sea, I shall not be surprised if we are at war with them in the course of the present year; and if so, a Line must be drawn by the Warriors' Children.'[2] Lord Dorchester, at the same time, took measures to defend Detroit against a possible attack from General Wayne by occupying the posts on the Miami River which had been abandoned after the treaty of 1783. The report of Dorchester's speech soon reached the coffee-houses at Montreal, and from there was relayed to Washington. John Randolph, who had succeeded Jefferson as secretary of state, reported the incident to London and protested against the conduct of Dorchester, which he considered as 'hostility itself.'

Diplomatic relations between Britain and the United States in the spring and summer of 1794 were very finely balanced. John Jay, who was appointed by Washington to conduct negotiations with Britain with a view to settling the various outstanding disputes, had just arrived in Britain at the time that Randolph's protest against Dorchester's attitude was received by the Colonial Office. On July 5 Dundas, writing to Lord Dorchester, expressed apprehension lest, under existing conditions, his speech to the Indians and his orders regarding the occupation of the forts should provoke

[1] Dorchester to Dundas, October 25, 1793: the Canadian Archives, Q 66, p. 218.

[2] The Canadian Archives, Q 67, p. 109.

hostilities.[1] At the same time the colonial secretary fairly admitted that it was extremely difficult to follow the policy of forbearance when every indication pointed to the necessity of preparing for armed resistance.

Dorchester's Resignation

This communication was considered by Lord Dorchester as a censure on his conduct and drew forth a statement in self-defence. After reviewing the conditions which at the time existed, he declared that it was impossible for him to have given the Indians any hope of peace, and that he saw no reason for concealing his opinion on a subject which was of such great interest to them.

> Private inclination and public Duty apart, it would be folly in the extreme for any Commander in Chief circumstanced as I find myself here, without Troops, without authority, amidst a People barely not in arms against the King, of his own accord to provoke Hostility, or to begin (as Mr Secretary Randolph is pleased to call it) 'Hostility itself.' You will perceive, Sir, with me, that various Reasons concur to make it necessary for the King's Service that I retire from this Command; I am therefore to request you will have the goodness to obtain for me His Majesty's Permission to resign the Command of His Provinces in North America, and that I may return home by the first opportunity.[2]

Meanwhile negotiations were proceeding between Jay and Lord Grenville, and on November 19, 1794, the treaty, since known as Jay's Treaty, was signed. Great Britain agreed to withdraw by June 1, 1796, all troops and garrisons from the posts within the boundary-line assigned by the treaty of 1783. Doubts had already arisen regarding the real meaning of the boundary definition contained in the Treaty of Paris, and, accordingly, provision was made in Jay's Treaty for the appointment of joint commissions to determine the boundary west of the Lake of the Woods and to declare

[1] See Dundas to Dorchester, July 5, 1794: the Canadian Archives, Q 67, p. 177.

[2] Dorchester to Dundas, September 4, 1794: the Canadian Archives, Q 69, pt. 1, p. 177.

what river was intended by the treaty as the St Croix. Several articles regulating the commerce between the two nations were limited to twelve years' duration and were allowed to expire in 1807.

The war with the Indians still dragged on until the notification of the terms of Jay's Treaty definitely determined the fate of the border posts. In this connection nothing remained for Lord Dorchester but to arrange for the withdrawal of the British troops and the strengthening of the Canadian posts to protect the interests of trade. At Quebec the legislature soon undertook the consideration of the more serious questions of public policy. The constitution of the courts of justice was discussed during the session of 1793, though the bill creating a new judicial organization did not become law until the following year.[1] In January 1796 Major-General Robert Prescott was appointed lieutenant-governor of Lower Canada, and in June he arrived at Quebec.

The last months of Lord Dorchester's administration were clouded by further disagreements with Simcoe. Dorchester disapproved of Simcoe's scheme of military settlements.[2] The disposition of the troops after the evacuation of the border posts afforded another ground for dispute. Now that danger from the south had been removed, Dorchester did not see the necessity of maintaining extensive garrisons. On the other hand, the withdrawal of the troops from the province thwarted Simcoe's plans of colonization.

In a dispatch to the Duke of Portland, written within a few weeks of his departure from Canada, Lord Dorchester expressed in terms which could not be mistaken his opinion of the prevailing system of colonial administration.

> Public censure from a Minister affords such open Encouragement to disorder that this alone rendered it necessary for the King's Service I should retire, to prevent the Evils which must naturally result therefrom, even if I had not found on my last arrival in this Country, the old Colonial System greatly strengthened, and that all my Endeavours to shew from former Examples its ruinous Consequences seemed only to encrease the zeal

[1] See p. 455. [2] See p. 176.

> of its Supporters. Thus circumstanced I could do nothing better than to state those dangerous arrangements and in their progress point out some instances which required more immediate attention in hopes by this means to contribute somewhat to the Tranquility of the King's Provinces under the Administration of my Successor.[1]

On July 9 he took his final farewell of the ancient city of Quebec, the scene alike of the highest satisfactions and the deepest disappointments of an eventful life. For twelve years after his return to Britain he was spared to watch the varying fortunes of British government in Canada.

Of the British proconsuls in Canada three stand in bold relief—Dorchester, Sydenham and Elgin. Each was concerned with peculiar problems and represented a very distinct stage in the history of colonial government. Lord Dorchester is the type of the eighteenth-century governor in a colonial system in which the office of governor was of the highest importance. For a longer period than any other governor he directed the administration of public affairs in Canada. As a soldier he was without a peer among Canadian governors. To quote Captain Luttrell, in the debate on the pension to Lady Dorchester: 'In the most brilliant war we ever sustained, he was foremost in the most hard-earned victories, and in the most disgraceful contest in which we ever were engaged, he alone of all our generals was unconquered.' As an administrator he handled a most difficult situation with remarkable success. Dorchester was possessed of a keen, practical perception, and wherever success depended on local knowledge he succeeded brilliantly. Left to himself, Dorchester would have successfully inaugurated the process of harmonizing French-Canadian nationalism with British imperialism. The misfortunes of the period were not due to the governor, but to his superiors in Britain. They provoked the American War and stumbled on the policy of the Quebec Act. Dorchester's claim to rank among the first statesmen of empire was compromised, however, by his willingness to acquiesce in the policy of Hillsborough and Shelburne, and his later

[1] Dorchester to Portland, June 11, 1796: the Canadian Archives, Q 75, pt. 2, p. 460.

career bore every evidence of his recognition of his own error. Still, to the soldier-administrator, capable, scrupulously honest and deeply sympathetic, Britain owes the preservation of her North American empire and Canada her independence as a member of the British family of nations. Few have served the Empire with greater purity of purpose or greater wisdom of execution than did Lord Dorchester.

General Robert Prescott

General Prescott was already an old man when he came to Canada. He was born in 1725 and had served with Amherst and Wolfe at Louisbourg and Quebec. During the American War he was present at the storming of Fort Washington and at the battle of Brandywine. In 1794 he effected the reduction of Martinique, and as civil governor of the island won the confidence and esteem both of the French colonists and the natives. He was forced on account of ill-health to resign his command and to return to England in the spring of 1795.

When Prescott arrived in Canada danger was again imminent from the intrigues of emissaries of the French Republic. In the preceding session of parliament a road bill was passed which, in the districts of Quebec and Montreal, was the ostensible cause of disturbances. The real reason, however, was strongly suspected to have been the operation of the agents of Adet, the French minister to the United States. There was very strong evidence for believing that plans had been formed for a French invasion of Canada and that assistance would be forthcoming from the anti-British party in the United States. The State of Vermont was suddenly impressed with the necessity of securing a large quantity of arms for the state militia, and Ira Allen was entrusted with the responsibility of making the purchase. Allen was equal to the task and found the necessary supplies in France, but, to his chagrin, was detained with his boat, the *Olive Branch*, by the British government upon the reasonable suspicion that these warlike supplies were intended for the invaders of Canada. Evidence was also found implicating David McLane in the designs against the government. The

larger scheme of invading Canada came to nought. McLane, who should rather have been confined to a lunatic asylum, was convicted of high treason and executed at Quebec. By his interference in the presidential elections on behalf of Jefferson, Adet antagonized the government of the United States and invited his own recall. The Franco-American alliance was ruptured, and there was even danger of hostility between the former allies. The war-clouds gradually disappeared from the Canadian sky, and Prescott was left free to consider the local affairs of the government at Quebec.

The Land-Granting System

Soon after his arrival at Quebec Prescott began to receive reports from various sources indicating that an attempt was being made to form a monopoly for the holding of the waste lands of the crown. Prescott was at first inclined to discount these reports, but when they appeared to come from different and unconnected channels they could no longer be disregarded, and he began to investigate the entire system of land-granting. Lieutenant-Governor Clarke, in February 1792, had issued a proclamation setting forth the terms on which grants would be made and offering encouragement to loyalists to settle in Canada. The result was that many applications for lands were received and warrants of survey issued on behalf of the applicants, and, on the advice of the executive council, the lands were occupied pending the grant of a title by the governor. The land-granting system had not yet been definitely organized, and in a great many cases titles to the lands thus occupied were never secured. In the meantime a group of capitalists, principally British, with the active assistance of friends in the executive council, formed the design of securing and holding for future sale huge tracts of the crown lands. The regulations stipulated twelve hundred acres as the maximum amount of land to be granted to an individual, but this restriction was easily evaded by the speculators. No difficulty was found in securing persons who, for the promise of two hundred acres or for a slight money payment, would consent to transfer their lands to the monopolists. The result was that confusion reigned in the land-

ROBERT PRESCOTT

From an engraving in the Dominion Archives

granting department, and immense tracts of land were being secured for purely speculative purposes and to the detriment of settlement.

Prescott undertook to straighten out the tangle and to introduce order and justice into the system. He proposed that all persons who had occupied lands and commenced the work of cultivation should be confirmed in their titles, and that applicants who had not undertaken settlement should receive only a part of the lands demanded. After all the outstanding claims had been determined, it was Prescott's plan to place the crown lands on the market for sale by public auction. This scheme was stubbornly opposed by the council. The land dealers, who, from the impression which the correspondence gives, were in control of the council, had purchased lands already occupied in the hope that the possession would be declared invalid, and were not inclined to submit peacefully to the destruction of their monopoly. They argued that the recognition of such claims was placing a premium on illegal occupation of lands. The sale of lands by auction would, of course, militate against monopoly, and the council pointed to the danger, if such a policy were adopted, of introducing a base and worthless class of settler.

The dispute was thus transferred to the executive council, which exercised control over all questions of policy on the land question. Prescott endeavoured to defeat the council's plans by having the minutes on land affairs made public. This aroused further opposition from the council and changed the issue from the land question, on which the governor seemed safe, to a more doubtful constitutional question of the right of the governor to control the entry of minutes of council. Prescott, however, greatly reduced the strength of his claim for publicity by suggesting a special file for recording resolutions favourable to the council and by insisting on determining what papers should or should not be entered in the minutes of council. The governor spoiled a good case by injudicious action in conducting it.

The immediate result was a deadlock in the council. Chief Justice Osgoode, against whom Dorchester had bitterly complained, led the opposition and brought to bear against

the governor the powerful influence which he apparently possessed in Britain. Memorials and counter-memorials were presented to the British government, and the Duke of Portland finally decided to end the confusion by recalling Prescott. During the brief period of his administration Prescott made himself intensely popular with the inhabitants generally, and there was doubtless a general feeling that in his opposition to the council he was actuated by motives of public interest. Chief Justice Osgoode was in reality the master of the executive council. However praiseworthy his judicial conduct may have been, his political influence undoubtedly tended to disturb the harmonious course of government. The situation in 1799 made it necessary that some one should be recalled ; greater justice would have been done and future trouble avoided had Osgoode and not Prescott been made the scapegoat.

Robert Shore Milnes

In July 1799 General Prescott returned to England and the administration was conducted by the lieutenant-governor of Lower Canada, Robert Shore Milnes, who four years previous had succeeded him in the government of Martinique. Milnes held no military rank, and it was consequently necessary to divide the civil and military commands. Lieutenant-Governor Hunter, who had been appointed to succeed Simcoe in Upper Canada, was therefore appointed to the command of the militia. The land business was the first question to receive Milnes's attention, and he displayed most commendable tact in successfully solving this most difficult problem. The applications for lands which had accumulated during several years were classified according to the particular regulations under which claims were entered, and the council undertook the laborious task of investigating each claim individually. In submitting the concluding report Milnes paid a special tribute to the fidelity and industry which the council displayed. 'To say that in the numerous complicated and contentious claims which have come under the consideration of the Committee every Claimant is satisfied, would be as absurd as it is impossible, but I most truly

believe that in whatever these Gentlemen have submitted to me respecting the Business they have been guided throughout by the most strict Integrity and best Intentions.'[1]

The opposition of Chief Justice Osgoode to the representative of the crown reached its climax during Milnes's administration. In the legislative council the chief justice offered a strenuous opposition to a measure of public policy which was being supported by the lieutenant-governor, and went so far as to record his protest against its passage. A short time afterwards he adopted obstructive tactics in the executive council. To a report of a committee of the council, which he himself had signed as chairman, he appended a protest dissenting from its finding, which, he insisted, should be recorded in the minutes of the council. Personal motives undoubtedly figured in these disputes within the council. The chief justice had repeatedly asked for the dismissal from the Court of King's Bench of Justice de Bonne, whose name rumour had connected with certain scandals, but the lieutenant-governor had taken the position that until the truth of the charges had been fully established no action was justified. Since the establishment of the new constitution the representatives of the crown had not maintained a firm and decisive leadership in the executive council. Alured Clarke knew that his administration was purely temporary; Lord Dorchester, soon after his return, determined on resigning his command, and did not assert his leadership as he would have done under other circumstances. General Prescott, finding the council already under the control of a faction, attempted to restore the actual supremacy of the governor, but was defeated by the chief justice. For the new lieutenant-governor to have dreamed of conducting the government without the aid of the chief justice was a stunning blow to the pride of Osgoode. By this time the patience of the British government had been exhausted, and Osgoode was permitted to retire to England on a handsome pension.

The closing years of Milnes's administration witnessed the first division of the Province of Lower Canada into hostile political camps. In the session of 1805 a bill was introduced

[1] Milnes to Portland, August 14, 1800: the Canadian Archives, Q 85, p. 166.

providing for the erection of gaols at Quebec and Montreal. The determination of the manner of raising the necessary revenue was the occasion for the lining-up of rival interests. The traders and merchant class, predominantly British, advocated a land-tax, while the landowners insisted on a duty on imports. The merchants appealed to the legislative council and the lieutenant-governor, but without avail, and their agents in Britain with no greater success applied for the disallowance of the act. While the incident served to bring into definite relief the diversity and opposition of interests which existed in the province, its more immediate practical results came from another direction. The Quebec *Mercury*, the organ of the commercial party, took occasion to declaim against the predominance of French influence. 'This province is already too French for a British colony. Whether we are at war or in peace, it is essential that we should strive by all means to oppose the increase of the French and of their influence.' In order to protect the interests of French Canada and to advocate their ideals, the leaders of the French party in the legislature, in 1806, established the newspaper *Le Canadien*, which was to have an eventful career. With the motto, '*Nos institutions, notre langue et nos lois*,' *Le Canadien* became the official organ of French-Canadian nationalism.

Retirement of Milnes

In December 1803 failing health compelled Milnes to request leave of absence. In the following year permission to return home was granted, though it was not until August 1805 that he was able to leave Quebec. Milnes left as administrator Thomas Dunn, the doyen of the executive council. Dunn, who was now seventy-four years of age, had served continuously in the council of the province since the establishment of civil government in 1764. On the death of General Hunter in August 1805 the military command was assumed temporarily by Lieutenant-Colonel Barnard Foord Bowes, and later by Lieutenant-Colonel Isaac Brock. The necessity of a divided command extending over a period of several years not only destroyed the harmonious working of the administration, but seriously detracted from the

prestige and power of the chief executive. A resident of Quebec, writing to the colonial secretary in July 1806, took occasion to point to a very essential feature of the government of the Canadian people. 'The Canadians, a military people and always accustomed to a military government, hold not in sufficient estimation a person placed at the head of affairs, who does not at the same time command the troops, and a great relaxation has, of late years, been permitted to take place amongst them. Paying no taxes, except upon articles of consumption, they are scarcely sensible of the weight of any government, in the present circumstances of the colony.'[1]

Sir James Craig

The necessity of strengthening the command in order to enable it to exercise its proper influence at Quebec and to ward off the attacks which were threatened from without induced Lord Castlereagh to select as governor-in-chief a soldier of experience and distinction. His choice fell upon Sir James Craig, who was appointed to the government of Canada in August 1807. Craig was approaching his sixtieth year, and since the age of fifteen he had followed the life of a soldier, in America, in South Africa, in India and in Italy. He was every inch a soldier, and carried into his administration of the civil government the spirit and methods of the army.

The discussions on the gaol bill had at least the political significance of consolidating forces which, though formerly generally acting in concert, had not yet developed into an organized party. A distinct change, to which various forces had contributed, had come over the political character of the House of Assembly since the days of Lord Dorchester. Soon after the establishment of the new constitution allied interests began to form parties for the purposes of mutual benefit and protection. The British commercial interests of Quebec and Montreal formed the basis of the tory or official party. It was intensely loyal to the crown and to British institutions;

[1] The letter was signed 'Mercator' and was written, in the opinion of Dr. Douglas Brymner, by the Hon. John Young, a prominent merchant and member of the executive council. See *Report on Canadian Archives*, 1892, p. vi.

it sought the industrial and commercial development of the province. On the other hand, it was extremely intolerant of the customs and institutions which in any way interfered with its ideas of religion and government or with the material expansion of the country. From this party the executive council had been selected. It was predominant in the legislative council, but now that its tendencies were known it was with difficulty that its representatives could secure election to the House of Assembly. By a judicious use of the power of appointment which it controlled, it had annexed the support of several of the former leaders of the French-Canadian party. The opposition which General Prescott had manifested towards it only served to weld it more strongly together. The weak administrations of Milnes and Dunn afforded it a splendid opportunity to perfect its control over the machinery of government. Though numerically small, this party, from the position of vantage which it held, was the dominant factor in the government of Lower Canada.

On the other hand, the French Canadians as naturally became a political party. The defence of their national institutions presented a policy broad enough to attach all true French Canadians. The leadership of the French-Canadian party had passed from the noblesse to the lawyers and notaries. While, since the Conquest, the British governor maintained intimate personal intercourse with the seigneurs, the system of British government tended gradually to undermine the seigneurial authority. The introduction of representative government and popular elections created in the public platform a new and powerful political weapon, which the lawyer and the notary were best able to wield. As a general rule the lawyers, as well as the clergy, were descended from the middle or lower classes, and consequently were in a position of influence with the majority of the electors. The House of Assembly at the time of Craig's arrival contained many more notaries and lawyers than seigneurs. This element in the assembly naturally formed itself into a political party distinctly French in its character, and determined to resist any encroachments which might be made on the privileges and liberties of the people whom it represented.

SIR JAMES CRAIG

From a portrait in the Dominion Archives

This group in the House of Assembly naturally sought to champion some scheme of government which would commend itself to the public and add to its prestige as a party. The election of judges to the assembly had been the occasion for very manifest abuses of the power of the bench, and the French-Canadian party undertook to bring about the disqualification of the judges. A bill for this purpose was introduced and passed the assembly, but was defeated in the council, which contained several of the judges and was prepared to protect the privileges of the bench. The election of Ezekiel Hart, a Jew, for the borough of Three Rivers afforded another opportunity for the popular party to display its skill. Jews were not excluded from the house by the terms of the Constitutional Act, yet the oath which that statute required could not be taken in the regular manner by a consistent Hebrew. By questioning the validity of his election Hart, who was in sympathy with the commercial interests, would be placed in a very embarrassing position. The subject was accordingly brought forward and Hart's seat was declared vacant.

Craig *versus* French-Canadian Nationalism

A general election was held during the month of May 1808, and the French-Canadian party put forth a determined effort to strengthen its force in the assembly. *Le Canadien* was particularly active in this direction, and occasionally exceeded the bounds of discretion in its references to the British party and the administration. The attention of the governor was directed to its conduct, and Craig decided at once to bring the paper to a sense of its responsibility. Two of its patrons who held office under the government were dismissed, and others who were officers of the militia were deprived of their commissions. Craig's attitude is best described in his own words.

> Finding . . . that it was supported principally by the Persons whom I shall have occasion to name to Your Lordship, that these were the Leaders of the Party to which I have alluded, that their Characters were in general such as to warrant the attributing to them the

> worst of intentions, that the utmost pains were taken to disperse their paper over the Province, to every part of which it was sent and distributed gratis, and that it already began to have an effect in many parts, that in consequence a new language seemed to be springing up among the People among whom the words *Revolution and Reform* had been heard, and lastly finding that the Paper itself was rather increasing in its malignity than otherwise, I thought it right to take measures to convince those who were concerned in the Publication that whatever other consequences might arise from their Conduct, they would at least to a certainty fail in the object of intimidating Government into any Compliance with their Views as to their personal Interests.[1]

In the new parliament the French-Canadian party was stronger than ever. The question of the election of judges was revived, and a committee of the assembly heard evidence on the subject of the abuses occasioned by judges participating in elections. The particular purpose of this committee seemed to be to discredit Justice de Bonne, who was regarded as friendly to the administration. The report therefore dealt at length with the abuses attending de Bonne's election, but barely touched the elections of other judges. A bill was introduced declaring judges disqualified from sitting in the House of Assembly. Hart, who was re-elected for Three Rivers, was again unseated by a resolution of the house. The attention of the house had been so completely absorbed by the question of the exclusion of the judges and by Hart's expulsion that no time was given to constructive legislation. The patience of the soldier-governor was exhausted. Their conduct he regarded as unconstitutional and as giving a valid pretext for dissolution. Accordingly, on the advice of the executive council, parliament was prorogued on May 15, 1809, and dissolved by a proclamation a short time afterwards. In his speech proroguing parliament Sir James Craig took occasion severely to criticize the conduct of the assembly.

> You have wasted in fruitless debates, excited by private and personal animosities, or by frivolous contests upon trivial matters of form, that time and those talents to

[1] Craig to Castlereagh, August 5, 1808: the Canadian Archives, Q 197, p. 308.

> which, within your walls, the public have an exclusive title ; this abuse of your functions, you have preferred to the high and important duties which you owe to your Sovereign, and to your constituents ; and you have, thereby, been forced to neglect the consideration of matters of moment and necessity, which were before you, while you have at the same time virtually prevented the introduction of such others, as may have been in contemplation.[1]

Sir James realized fully the significance of a dissolution and threw all his energies into the fight for the return of a more submissive assembly. His speech was designed for campaign purposes to discredit the French-Canadian Nationalists, but was successfully used by that very party as an evidence of the autocracy of the governor and of the violation of the privileges of the assembly.[2]

From Craig's standpoint the dissolution proved to be a political error. The assembly elected in October was more strongly French-Canadian than its predecessor, and was prepared to continue with renewed vigour the warfare against the official bureaucracy. During its first session the assembly inaugurated the policy which, until the crisis of 1837, continued to give direction to its efforts. Control over the administration was to be secured by making the officers of government dependent on the assembly for their salaries. With this end in view the assembly addressed His Majesty and the two houses of the British parliament, offering to raise the funds necessary to defray the civil expenditure of the province. The assembly had contemplated taking this course for several years, but hitherto the financial position of the province did not permit of it. In the year 1811, however, the Gaols Act was to expire, and by its renewal it was hoped to secure a sufficient supplementary revenue to meet the expenses of government. On the advice of the Executive Council only the address to His Majesty was transmitted, but Sir James Craig was careful to indicate the political designs involved in the assembly's scheme.

[1] See the Journals of the House of Assembly, 1809, p. 302.

[2] See also p. 449.

The question of the exclusion of the judges again agitated the assembly. In order to steal its ammunition from the French-Canadian party, Sir James Craig in his speech on opening parliament signified his willingness to assent to a bill for the disqualification of the judges. Before the speech was reported to the assembly by the speaker a bill was introduced rendering judges incapable of voting in the assembly from the time of the passing of the act. In the legislative council the bill was amended with respect to the time of its operation, but the assembly refused to accede to that change. While the bill was still under the consideration of the assembly a motion was carried declaring that Judge de Bonne could not sit or vote in the house. In this, however, the assembly manifestly exceeded its authority in arrogating to itself the complete power of legislation. To bring the proceedings against the judge to their logical conclusion required the acquiescence of the governor, but Sir James set himself resolutely against any invasion of the authority of the other branches of the legislature and again dissolved the house.

The next move of Sir James in his fight with the assembly was to seize the press of the newspaper *Le Canadien*, which during the meeting of the assembly, and especially after the dissolution, had become particularly abusive. The proprietors of this paper and others connected with it were arrested and held in gaol for participating in treasonable conduct. During the summer all the prisoners were released except Pierre Bédard, one of the members of the House of Assembly and a leader of the nationalist party. Bédard refused to admit his guilt, and the governor, though cherishing no personal animosity against the prisoner, was unwilling that his release should have the appearance of a triumph of the French-Canadian party. It was, therefore, not until March 1811 that Bédard secured his freedom. This exhibition of authority doubtless did not add to the popularity of the governor, yet it assuredly induced a more docile spirit in the House of Assembly.

In November 1810, when war-clouds seemed to be thickening on the American horizon, Sir James requested that he be permitted to give place to an officer whose health would be equal to the duties of the command. In February this request

was renewed, and, leave having been granted him to retire, he handed over the administration to Thomas Dunn in June 1811.

Craig's Policy

The administration of Sir James Craig was of the greatest importance in the political development of Lower Canada. It witnessed the consolidation of the opposing forces and the preliminary skirmish in the province's greatest political battle. The future of the province was, in his mind, beset with the gravest dangers. The French Canadian was but waiting for a favourable opportunity to renounce his British allegiance. 'That these people have gradually advanced in audacity, in proportion as they have considered the power of France as more firmly established by the successes of Bonaparte in Europe, is obvious to every one, and that they are using every endeavour to pave the way for a change of Dominion, and a Return under that Government is the general opinion of all ranks with whom it is possible to converse on the subject.'[1] Their ambitions he perceived to be distinctly nationalist, though for this he was not inclined to pass censure upon them. 'No circumstance has occurred to awaken their attachment to their Mother Country, nor have any pains ever been taken to produce such a change; their habits, language and religion have remained as distinct from ours as they were before the Conquest. Indeed it seems to be a favourable object with them to be considered as a separate Nation; *La Nation Canadienne* is their constant expression.'[2]

The granting of representative institutions he considered a fatal error for which the perfervid enthusiasm of Britons for the British constitution was responsible. Craig recalled the words of Bishop Denaut uttered in 1791: 'You do not know my Countrymen, they are not at all prepared for the Constitution you wish to give them; once let the rein loose and be assured they will never know when to stop.'[3] 'That spirit of independence, of total insubordination among them, that freedom of conversation by which they com-

[1] Craig to Liverpool, May 1, 1810: the Canadian Archives, Q 112, p. 121.
[2] *Ibid.* [3] *Ibid.*

municate their ideas of government as they imbibe them from their leaders . . . owe their origin entirely to the House of Assembly, and to the intrigues incident to Elections.' [1]

Two remedies were suggested by Sir James Craig: the suspension of the constitution of 1791, and the reunion of the provinces. Government by a governor and council, such as existed in the early days of Carleton, approached Craig's ideal of colonial administration, and he left no doubt as to his preference for a return to the former constitution. The only advantage of a reunion would be to produce a more even division in the house, but of its success he confessed to have serious doubts. 'It would produce a heterogeneous mixture of opposite principles and different interests, from which no good could be expected, and if it did not avert I should apprehend it might accelerate the evil. I am more inclined to keep the Province of Upper Canada as a foreign and distinct population, which may be produced as a resource against that of this country in case of necessity.' [2]

In order to bring before the British government his views on the Canadian administration, and to secure the settlement of certain important points of policy, Craig sent his secretary, Herman W. Ryland, to England during the summer of 1810. The attention of the government was absorbed with continental affairs, and the situation of the province did not seem to the British government to demand the radical constitutional measures which Craig advocated.

Sir James Craig has been the object of greater censure and praise than any other Canadian governor. He was undoubtedly entirely ignorant of French-Canadian temperament and character. He persisted in taking the French Canadian too seriously. When the habitant, under the spell of the eloquence of a Bourdages, a Bédard or a Papineau, belittled the benefits of his British connection and shouted defiance at the governor, Craig took him at his word. The abnormal French Canadian he took as the normal and formed his judgments on the basis of this misconception. His

[1] Craig to Liverpool, May 1, 1810: the Canadian Archives, Q 112, p. 121.
[2] *Ibid.*

honesty and personal uprightness could not be impeached. Even among his most bitter foes he could not but excite admiration. Unfortunately, the associations which he formed were not such as would render him more sympathetic towards the French Canadian. While the governor was by no means a creature of the tory party, he was a tory of the tories and permitted his opinions to be formed under the influence of party prejudice. At a time when diplomacy and tact were required to preserve harmony he adopted the harsh, uncompromising methods of a soldier. For the problems with which he had to deal he was not responsible. During the period of his administration the first symptoms became evident of the serious disorders which were bound to follow from the Quebec Act and the Constitutional Act, the prescriptions of ignorant and careless physicians. Unfortunately, the application of violence tended only to aggravate these evils.

Sir George Prevost assumed the administration in September 1811, but events in another direction were soon to relegate to the background the political conflicts of Lower Canada. In June 1812 war was declared between Great Britain and the United States.

Duncan McArthur

UPPER CANADA

1791-1812

UPPER CANADA, 1791-1812

Early Settlement

PRIOR to 1780 the country which was later to become Upper Canada was a vast and dreary wilderness known only to the French-Canadian voyageur and trader, to the Jesuit missionary or the native trapper. Fort Frontenac, Fort Niagara, Fort Erie and Fort Detroit guarded the route to the Great West Land. The natural advantages of Detroit, its location between the upper and the lower lakes, its fertile soil and its hospitable climate, commended it as a fitting place for settlement. In 1780 its population was estimated at over two thousand persons, exclusive of those employed in the king's service.[1] Apart from this and the meagre population which had clustered around the other posts, no settlements had been formed in the upper country.

The settlement of Upper Canada truly began with the loyalist migrations. Between 1780 and 1784 the district above Montreal received no less than ten thousand immigrants.[2] The banks of the St Lawrence, the Quinte district and the northern shore of Lake Ontario, the Niagara Peninsula, soon contained prosperous and progressive settlements. So important had the upper country become that in 1788 it was necessary to give it a definite judicial organization, and it was accordingly divided into the districts of Lunenburg, Mecklenburg, Nassau and Hesse.

The migrations continued, and the new settlements became an important factor in determining the character of the government of Canada. The predominance in the western districts of the British element, accustomed to British

[1] C. M. Burton's valuable monograph *The Building of Detroit* gives the population in 1780 as 2207.

[2] See the *Census of Canada, 1665 to 1871*, vol. iv.

institutions of government and differing in language and religion from the majority of the people of the province, was the cause of the erection of a separate government in the west. Upper Canada was already British ; the British system of government was to be given every opportunity to demonstrate its unrivalled superiority, and Lower Canada, viewing with jealous envy the prosperity of its sister province, was expected to seek with eagerness its own salvation in a resort to British institutions.

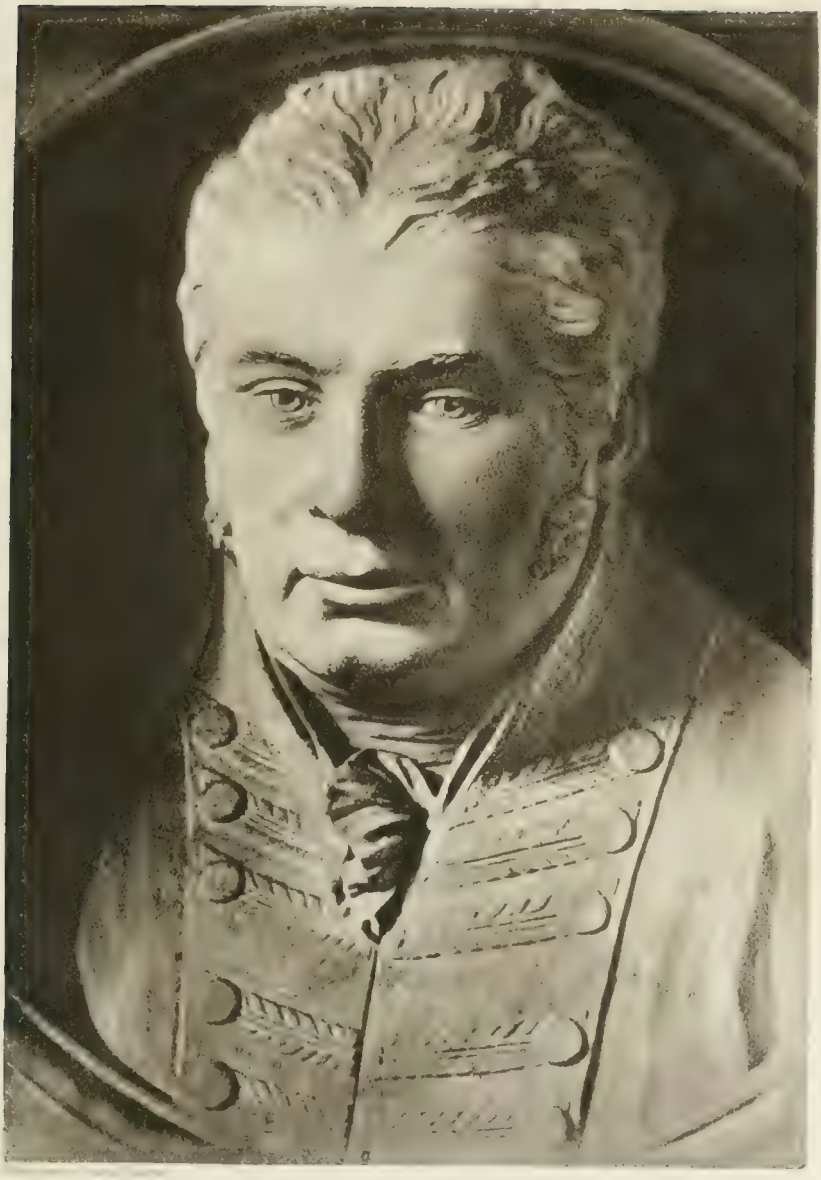
John Graves Simcoe

No officer more sympathetic with the ministry's policy of transplanting the British constitution could have been selected than Colonel John Graves Simcoe. Simcoe was born in 1752, and at the age of nineteen began his military career. He served in the American War, and, although he had taken part in several minor engagements, the battle of Brandywine River was his first serious experience under fire. In 1777 he was given command of the Queen's Rangers, a light cavalry regiment which had been raised in Connecticut by Colonel Rogers. During the remainder of the war Simcoe and his Rangers were kept busily engaged. His military career came to an unhappy end in October 1781, when Cornwallis surrendered the entire army under his command. In the hour of his humiliation Simcoe's thought was for the safety of his Rangers and of the loyalists who had served with them. After his return to England he received the rank of lieutenant-colonel, and in 1783 was married to Elizabeth Gwillim, the only daughter of Colonel Thomas Gwillim, who had been an aide-de-camp to General Wolfe. Simcoe was returned to parliament in 1790 and was one of the most interested parties in the discussion on the Canada Bill. Soon after it was known to be the government's intention to divide the Province of Quebec, Simcoe's name was connected with the command in the upper province, and the appointment was actually made shortly after the bill became law.

Simcoe took the duties of his office extremely seriously. During the spring and summer of 1791 he had in his own

JOHN GRAVES SIMCOE

From the bust in Exeter Cathedral



mind settled the most minute details of the government of Upper Canada, and had written volumes to the Colonial Office stating the various requirements of the new command. He was to have as his executive council William Osgoode, the first chief justice of the province; William Robertson, a merchant residing at Detroit, who had favoured the division of the province; Alexander Grant, the commander of the British fleet upon the Great Lakes; and Peter Russell, who had been recommended by the lieutenant-governor himself. Simcoe arrived at Quebec in November 1791, and was constrained to spend the winter at the ancient fortress. His tenure of the office of lieutenant-governor was as yet purely nominal, for he was unable to take the oath of office owing to the absence of a quorum of the executive council, while his military command was meaningless until the arrival of his regiment. In June 1792 the first division of the Queen's Rangers arrived at Quebec, and in the following month Simcoe was joined by the new chief justice and Russell. Simcoe and his party reached Kingston on July 1, 1792, and a week later the executive council was constituted in the 'Protestant Church' at that place with Osgoode, Russell and Jacques Baby of Detroit, who had been recently appointed, in attendance. A few days later Grant arrived and completed the membership of the council. Robertson, who was in Britain in 1791, decided not to return to Canada, and resigned from both the executive and legislative councils. The first work of the council was the organization of the government and the division of the province into counties. The minutes of council for Sunday,[1] July 15, report that the division into counties had been concluded and that the lieutenant-governor directed a proclamation to be issued calling together the legislative council and assembly. On the following day a proclamation was published dividing the province into nineteen counties, and grouping them so as to elect sixteen members to the House of Assembly.[2]

[1] So great was the pressure of public business that a meeting on Sunday was considered necessary.

[2] For an account of subsequent changes in representation see p. 468.

Simcoe and the officers of government left Kingston on July 24, and two days later arrived at Niagara, which was for a time to be the seat of government of the province. On September 17 the first assembly of Upper Canada was convened at Freemasons' Hall, Niagara. Simcoe staged the ceremony so as to impress upon the pioneer inhabitants the momentous importance of the occasion. The dissensions which had hampered the progress of the assembly at Quebec were unknown in Upper Canada, and within the brief period of a month all the legislation which the province required had been passed. English civil law was introduced, trial by jury was established, the toll for millers was fixed, and provision was made for the erection of court-houses throughout the province.

The questions which received the attention of the first parliament of Upper Canada were of the most important character. Since the beginning of the loyalist settlements the western district had been practically without any legislative body, for the council at Quebec was none too careful of their interests ; but, on the other hand, the foundations were now being laid for the government of a rich and growing province. The validity of marriages performed within the province was the cause of much anxiety. In a district in which there were very few clergymen marriages could not be solemnized according to the rites of the church. The commanding officers at the various posts and the civil magistrates had acted as clergymen, but it was doubted whether marriages which they performed were legal. From the standpoint of the civil rights involved in marriage the situation was serious, for it was feared that the Quebec Act, by confirming the law of Canada in all questions respecting civil rights, had invalidated marriages in the province which were not performed according to the rites of the Church of Rome. During the second session of parliament an act was passed legalizing marriages which were irregular, and permitting, under certain restrictions, a justice of the peace to perform the ceremony. During the same session the basis was laid for a system of local government. Prior to this the duties of a municipal council were performed by the justices of the peace in their

courts of Quarter Sessions, but gradually the functions of local government were transferred to officers elected by the ratepayers of the district. In the establishment of a judicial system the principles which were being followed in Lower Canada were adopted in the younger province. A Court of King's Bench was created with both civil and criminal jurisdiction, district courts were established, while the executive council was constituted a Court of Appeals.[1]

Simcoe's Imperialism: Defence

Of all the proconsuls whom Britain sent to Canada Colonel Simcoe was pre-eminently the imperialist. His imperialism took its form from the experiences in which he himself had shared. He had been deeply impressed by the errors which had resulted in the alienation of the American colonies. The defeat of the British arms and the loss of the American empire was to him the greatest disgrace which Britain had ever suffered. He had been brought in contact with the loyalists; he had come to admire their fidelity to the crown, and saw in them the hope of British influence in America. A colony composed of British loyalists, disciplined in the arts of war, might some day be the means of removing the disgraces of Saratoga and Yorktown. It was one of Simcoe's happy dreams that some day the loyalist province of Upper Canada would be the means of restoring the American empire. The basis of a great British province was to be laid in an improved and harmonious system of defence, settlement and government.

Simcoe's policy of defence was based on an intimate knowledge of the various posts and points of vantage in the province. At this time Kingston possessed the strongest fortifications on the lakes, but in Simcoe's judgment it was unsuitable as the arsenal for Lake Ontario on account of its unhealthiness and the difficulties which it offered to the proper protection of shipping. York appeared to him much more favourable, as its harbour could at slight expense be made almost impregnable. On Lake Erie, Long Point was selected as the arsenal. It possessed what to Simcoe's

[1] See p. 457 for a description of the judicial system.

mind was the advantage of being opposite the American post of Presqu'Isle. York and Long Point were to be strongly fortified and, in addition, defences were to be erected at Chatham, Maisonville's Island and Bois Blanc Island. He selected his capital with an eye to the future. He predicted that, with the increase of population, it would be necessary to erect the Montreal district into a separate government, and it therefore became advisable to choose a capital for Upper Canada in the western section of the province. The site of the modern London on the River Thames commended itself to Simcoe as the most suitable location for a capital. These plans were approved in general by the colonial secretary. 'I also agree with you,' Dundas wrote on March 16, 1794, 'that the place upon the River Thames, which you have marked as the site for London, is well situated and judiciously chosen for the future Capital; but as the Defence of the Colony is the first object, if that Defence should be Maritime, it follows that the Settlement of York is the most important for the present, not as the future Capital, but as the chief Place for Strength and Security for the Naval Force of the Province.'[1]

Simcoe's Imperialism: Settlement

Simcoe's plan of settlement was intimately connected with his scheme of defence. He wrote thus to Dundas:

> I must beg to observe that the most certain means of Erecting Towns in this Province, necessary in all respects for the establishment of the King's Authority and the general Welfare of the Province, is by the station of Troops in their Vicinity, and selecting for that purpose places marked by natural advantages, the confluence of Rivers, the Security of Harbours, or the termination of Portages. The Regiment that is annually cantoned in Lower Canada, on any opposite situation, would long before this have given Birth to a flourishing Town, and not have left that Province without a vestige of its belonging to Great Britain, but the Garrison of Quebec or factory of Montreal. It is therefore I conceive

[1] Dundas to Simcoe, March 16, 1794: the Canadian Archives, Q 280, pt. 1, p. 20.

> Wisdom to apply the means which Government must allow for the defence of this Colony in its Infancy to such purposes as may create a solid and permanent system which would never spring up merely from agriculture, and would be late indeed, if left to the culture of Mercantile Monopoly.[1]

With the king's troops as the nucleus of loyalist settlements the upper province would become an armed camp prepared at any moment to defend the interests of the king.

The plan of settlement and defence adopted by Simcoe bore a striking resemblance to the methods of ancient Rome. As in the Roman colonies, so in Upper Canada the construction of roads was of the greatest importance to both settlement and defence. Thoroughfares constructed by the troops were to connect the various military posts. The work on Yonge Street connecting York and Lake Simcoe was commenced, and Dundas Street, which was intended to run east and west from one end of the province to the other, was surveyed. The difficulties of transportation were to be relieved by the establishment of farms for maintaining a supply of horses. Few of the details of settlement escaped Simcoe's notice; his scheme was the most systematic and comprehensive that had ever been suggested for the colonization of the Canadian provinces.

Simcoe's Imperialism: Government

The ideal of a thoroughly British and loyalist province was expressed with equal fidelity in Simcoe's plan of government. He delighted to think of the constitution of Upper Canada as 'a perfect Image and Transcript of the British Government and Constitution.' 'The *forms* of the British Constitution, from the very seed plot in the Province to their Maturity in the Parent State,' were, in his opinion, 'essentially necessary for the preservation of the public tranquility and the best security for Colonial allegiance.'[2] In a dispatch

[1] Simcoe to Dundas, June 21, 1794: the Canadian Archives, Q 280, pt. 1, p. 182.

[2] Simcoe to Portland, October 30, 1795: the Canadian Archives, Q 282, pt. 1, p. 6.

to the Duke of Portland in January 1795 he made a frank confession of his political faith.

> I have therefore endeavoured to establish the form as well as the Spirit of the British Constitution by modelling all the minutest branches of the Executive Government after a similar system and by aiming as far as possible to turn the views of His Majesty's Subjects from any attention to the various modes and customs of the Several Provinces from which they emigrated, to the contemplation of Great Britain Itself, as the sole and primary Object of general and particular Imitation.[1]

The form of the constitution granted in 1791 was in perfect accord with his ideals, yet other features remained to be introduced in order to render it a more faithful reproduction of the parent government. On two features not mentioned in the constitution Simcoe placed great stress—the appointment of lieutenants of counties and the incorporation of the towns of the province. As early as November 1792 he reported to Dundas that 'in order to promote an Aristocracy most necessary to this country,' he had appointed lieutenants to the populous counties and had given them the recommendatory power for appointments to the militia and magistracy.[2] By selecting, wherever possible, members of the legislative council as lieutenants, an additional weight was given to the office of councillor, while the arm of government was in a very real manner extended to the remote districts of the province. So long as the executive controlled the appointment of councillors and lieutenants the scheme operated as a distinctly centralizing force in government. It was not until two years later that he propounded his theory of the incorporation of cities.

> The towns of Kingston and that on the River Niagara from their situation must be places of great resort. I therefore beg to submit to Your Grace, that I think it would be for the public Interest and the King's benefit, that these places should be *incorporated* and named the Cities of *Kingston* and *Niagara*; I should propose

[1] The Canadian Archives, Q 201, pt. 1, p. 220.
[2] *Ibid.*, Q 279, pt. 1, p. 85.

> that the Corporation should consist of a Mayor and Six Aldermen, Justices of the Peace ex officio, and a competent number of Common Council, to be originally appointed by the Crown, and that the succession to vacant seats might be made in such a manner as to render the elections as *little* popular as possible ; meaning such Corporations to tend to the support of the Aristocracy of the Country.[1]

Should it be found necessary, the towns were to be given a maritime jurisdiction, and, whenever a redistribution of seats in the assembly was made, Simcoe suggested that the incorporated towns should be given separate representation in the legislature.

No notice, apparently, was taken of Simcoe's first announcement of his appointment of lieutenants. The suggestion regarding the incorporation of towns served to draw attention to the larger scheme of government, and, much to Simcoe's surprise, met the disapproval of the colonial secretary. The Duke of Portland's dispatch on this occasion contains an excellent statement of the opinion of the British government on the administration of a colonial dependency.

> Both the Measures seem very unfit to be encouraged by the Parent State in a dependent Colony. The Legislative Power being given up to an Assembly of their own, it is only thro' the executive Power, vested in the Person having the Government of the Province that the Sway of this Country can be exercised. Every kind of Authority that is not inconsistent with the Constitution given to the Province, ought therefore to be concentrated in his hands, whereas the evident tendency of both these Measures, is to fritter down his direct power, and to portion it out among Corporations and Lieutenants, who on many occasions may be disposed to use it in obstructing the Measures of Government, and, in all events, will require to be courted and managed, in order to secure the right direction of the Influence thus unnecessarily given them.[2]

[1] Simcoe to Portland, December 21, 1794: the Canadian Archives, Q 281, pt. 1, p. 164.

[2] Portland to Simcoe, May 20, 1795: the Canadian Archives, Q 281, pt. 2, p. 328.

With Simcoe's idea of assimilating the constitution of Upper Canada to that of the mother country the Duke of Portland took direct issue. 'To assimilate a colony in all respects to its Mother Country, is not possible, and if possible, would not be prudent. The one may have many Institutions which are wholly inapplicable to the situation of the other. Some there may be, which we permit to continue here only because they already exist, and are interwoven with other parts of the Government, but which, perhaps, if we had a choice, we should not now be disposed originally to introduce. Such, in the opinion of many, are Corporations, and separate jurisdictions of all sorts.' In spite of this expression of disapproval of the scheme, lieutenants continued to be appointed until 1807.

Simcoe and Dorchester

Simcoe's plans for defence and settlement met with an equally unhappy reception. Policies involving the disposition of the troops required the approval of the commander-in-chief. Lord Dorchester was completely out of sympathy with Simcoe's ideas of colonization. The plan of military settlements he dismissed as unsuited to the situation of the province. He disapproved of the policy of placing so many troops in a remote quarter in time of war, and feared that it might add to the various and enormous abuses in the public expenditures which had marked the previous twenty years of British administration. But further, he insisted, 'that the Principle itself is at all times erroneous, is evinced by the rapid Improvement and Population of those Provinces where neither extraordinary Expence has been incurred, nor Troops employed for Civil purposes, a wise administration of Justice and Government in Conjunction with natural advantages having been found sufficient to raise them in a short time to great importance.'[1] After the conclusion of Jay's Treaty the necessity no longer existed for maintaining a war force in Upper Canada. On Dorchester's orders a large part of

[1] Dorchester to Simcoe, April 4, 1796: the Canadian Archives, Q 282, pt. 2, p. 469.

the troops were withdrawn, and Simcoe was deprived of the means essential to carry his plans into execution.

As has been seen, on other important questions of policy Dorchester and Simcoe were at variance.[1] Simcoe's determination to maintain the political independence of Upper Canada clashed with Dorchester's conception of an executive union of the North American provinces. The control which the commander-in-chief exercised over Indian affairs in Upper Canada struck at the very base of Simcoe's authority. He chafed under the restraint which the administrative system imposed upon him, and his spirit was broken when it was borne in on him that his fight was hopeless. The keenness of his disappointment may be judged from the tone of a letter written to Lord Dorchester two months before his departure from the province.

> From my Infancy, My Lord, I have been devoted to the Service of my King and Country; it certainly therefore is with extreme concern that having sacrificed many fair and obvious personal claims to an ardent zeal and desire of executing with industry and vigour a great public measure, I now perceive all my reasonable Hopes and Views are blighted and destroyed. I cheerfully acquiesced under the guidance of Your Lordship's Authority, to which I have paid all Deference, in such a suspension of the exercise of the means entrusted to me by the King's Ministers, as you thought prudent, tho' I could not in my limited views understand the necessity; but most certainly had I sooner known that all my measures were to be checked, counteracted and ultimately annihilated, in consequence of Your Lordship's opinion, that the Principle on which they were founded was erroneous, I should have been dishonest to the Public to have held the Station to which His Majesty had been pleased to appoint me, and dishonorable to myself not to have requested immediate permission to have resigned it.[2]

Simcoe's Retirement

Though Simcoe was still a young man, his health had been seriously undermined by his strenuous and zealous

[1] See p. 143 *et seq.*

[2] Simcoe to Dorchester, May 20, 1796: the Canadian Archives, Q 75, pt. 2, p. 465.

efforts in the king's service. The North American campaigns had severely strained a robust and vigorous constitution, and now his four years of ceaseless labour amidst the hardships incident to a primitive community brought on a dangerous fever. In December 1795 he requested leave to retire, and early in the following summer received His Majesty's permission to return to England. The expression of the king's confidence in Simcoe's attachment to the service of the crown and of his satisfaction with 'the unremitting zeal and assiduity' which Simcoe manifested in promoting the interests of the province entrusted to his care, tended to allay the disappointment which his unhappy disagreement with Lord Dorchester had produced. On July 21, 1796, he handed over the administration to the Hon. Peter Russell and took farewell of the province for which he had laboured so diligently.

Colonel Simcoe will to all time be honoured as the true founder of Upper Canada. Under his direction movements were started which determined its future character. His scheme of settlement was artificial and would have run counter to the more powerful forces of economic interest which were directing the movements of immigrants. His scheme of government by a privileged class was destined to produce fatal results in later days. His ideals could not survive amidst a community so thoroughly imbued with the principles of democracy. The attempt to confine the development of the province within the mould of class distinction and special privilege was, from the nature of colonial conditions, doomed to failure. His plans for the development of the province were most thoroughly elaborated, but they were utterly unsuited to Canadian conditions. Simcoe, personally, excites our strongest admiration. He knew of no interest other than the service of his king. At a time when the future of the Canadian provinces was viewed with suspicion and even despair, Simcoe was firmly convinced of the great destiny which awaited them. His dream had been of an empire welded together in a common devotion to the British crown and to British institutions. Though his discernment of the signs of colonial expansion was erroneous, he will ever be

honoured for his loyalty and the courage which permitted him to be an idealist.

Previous to Simcoe's departure the decision was reached to remove the seat of government from Newark to York, at least until such time as London could be made suitable for occupation. Protests were made by the officers of the crown against the transfer, but these were of no avail, and by 1797 the government was firmly established in the new capital. For several years the administration of the province seemed to be carried along by the impetus which Simcoe's energies had imparted. Immigration poured in at a rapid rate, while the character of the new settlers was such as distinctly to influence its political future. The stream of *bona fide* loyalist immigrants had now practically run dry and settlement was seeking a normal basis. Americans in search of opportunities to improve their circumstances sought the fertile lands of Upper Canada. Loyalist claims were advanced, but in the great majority of cases devotion to George III ceased whenever it had served to secure a more favourable grant of land. Immigration from the Scottish Highlands began in the closing years of the century, and a sturdy stock was being transplanted to the infant province. In this American and Scottish immigration began the political movement which was to clash with Simcoe's loyalist compact.

General Peter Hunter, Simcoe's successor, did not arrive in Upper Canada until August 1799. During the six years of his administration the attention of government was occupied with the granting of lands and the direction of settlement. While at Quebec, attending to his duties as commander-in-chief of the forces, Hunter died suddenly in August 1805, and the administration devolved on Alexander Grant, the senior member of the council.

Grant was the first of the administrators of Upper Canada to be brought in conflict with the legislative assembly. During the years 1803 and 1804 Lieutenant-Governor Hunter undertook to pay certain expenses incidental to the administration of justice from the funds in the hands of the receiver-general which had been levied by provincial legislation. As no exception was taken by the assembly to this action,

Grant followed the same course, but was promptly called to task by the assembly for violating the ' most constitutional privilege of the commons.' Grant had no alternative but to admit his error and to refund to the provincial treasury the moneys expended without the sanction of the assembly. Grant's administration extended over scarcely a year, for, in August 1806, Francis Gore, the lieutenant-governor, assumed the government.

Francis Gore : Political Dissension

One of the first difficulties with which Lieutenant-Governor Gore was forced to contend was the manifestation of a spirit of factious jealousy on the part of a clique among the officials of the government. As in Lower Canada, the control of the executive council and, in consequence, of all the most important appointments was secured by a small group of which Smicoe's protégés formed the nucleus. The public officials who were not within the pale of the favoured were inclined to arouse opposition to the authority of the cabal. The monopoly of appointments and the very obvious partiality manifested to friends in the granting of lands afforded pretexts for demanding the redress of grievances. The leader of the faction of discontent was Robert Thorpe, a reckless and irresponsible political adventurer, whom some unhappy accident had placed on the bench of Upper Canada. Previous to his arrival in Upper Canada Thorpe had been a judge in Prince Edward Island, where his infinite capacity for causing trouble resulted in his recall. Scarcely had he arrived in Upper Canada than he began to foment discontent. His favourite pastime, when on his judicial circuits, was to deliver cheap and ponderous political orations to the assembled populace in reply to addresses which bore evidence of being inspired by their learned and distinguished recipient.

Associated with Justice Thorpe were William Weekes, an Irish-American immigrant and erstwhile supporter of Aaron Burr ; Joseph Willcocks, the sheriff of the county of York ; and Charles Wyatt, the surveyor-general of the province. Weekes, who had been admitted to the bar of the province, and had been elected to the House of Assembly, in conducting

SIR FRANCIS GORE

From a drawing by E. U. Eddis

a case at Niagara, undertook to deliver a violent tirade against the administration, and as a result became involved in a fatal duel with a fellow-practitioner. Thorpe was elected to the assembly to fill the vacancy caused by the death of Weekes, and continued to lead the opposition to the administration. Gore complained to the colonial secretary of Thorpe's conduct, and he was accordingly recalled. Willcocks was dismissed from the office of sheriff, but was returned as a member of the assembly. His immoderate conduct brought on him a charge of contempt of parliament, and he was confined to gaol during the greater part of the session of 1808. Wyatt, who was charged with having fraudulently removed a name from the record of a land-grant and substituted his own, was dismissed from office. In 1816, however, Wyatt entered action against Gore for libel and, through the ability of his counsel, succeeded in securing a verdict for £300. The strong and decisive measures adopted by Gore were effective in checking, for a time at least, the power of the forces opposing the administration.

As early as August 1809 Lieutenant-Governor Gore had requested leave to visit England on private affairs. Owing to the political disturbances in the province his petition was not pressed. In October 1810 his request was renewed, and in the following July leave of absence was granted and instructions given that the civil administration should be assumed by the commander of the forces. On October 9 Major-General Isaac Brock took the oath of office as administrator of the province. The wisdom of placing the government in charge of so capable a soldier was soon to be demonstrated.

Duncan McArthur

CANADA IN THE WAR OF 1812

CANADA IN THE WAR OF 1812

I

CAUSES OF THE CONFLICT

Trade Rivalry

WAR, though always the result of policy, can generally be studied apart from it; at least, in the purely naval and military aspects of the actual campaigns. But this, most emphatically, is not at all the case with the War of 1812. Not only policy but politics, not only politics but party, enter into its very essence and affect its every detail. That sound maxim, 'No politics in uniform,' would have saved the Americans from nearly all their disasters, and might even have made them victorious all round. But everything they did, afloat or ashore, was begun badly; and, still more, everything they ought to have done but did not, was totally neglected under strictly political influence. The way their forces were raised, the discipline, the terms of enlistment, the army, the navy, the federal volunteers, the state militia, the generals, the strategy, the tactics, even defeat and victory, were all directly determined by considerations that are utterly out of place at the front. And these perverting considerations themselves determined the way in which the United States drifted into war against a cardinal point of British policy, which was itself a matter of life and death in a struggle for national existence against Napoleon. So it is quite evident that even the purely naval and military aspects of the War of 1812 cannot be understood apart from their essential connection with American politics, British policy and the Napoleonic system.

The four main factors causing the declaration of war were

trade, navigation, anti-British feeling and the desire to conquer Canada.

Firstly, trade. In those days every mother country kept her colonial trade for herself and protected it against all outside rivals. Even allies were warned off. The French had laws against their American friends which all their fervour against the common enemy could not induce them to mitigate in 1784. The Spanish laws were still more restrictive, but less efficiently enforced. British laws were more liberal, but, owing to British sea-power, were far more thoroughly carried out. The American colonies were at a disadvantage, but their seafaring commerce throve for all that. In 1770, just before the first premonitory movements of their Revolution, they were prospering on a trade of which thirty-two per cent was coastwise, thirty West Indian, twenty-seven with Great Britain, and only eleven with every one else. The *entrepôt* system was a further restriction, though a necessary part of the general system applied by all countries to all colonies. It meant that all goods passing between colonial and foreign ports had to be sent through some home port, which thus became an emporium and distributing centre both to and fro. When American independence came in 1783 it introduced a new and disturbing element into the whole international problem. Here were the free lances of sea-borne commerce, shrewd and persistent in themselves, nurtured through their age of weakness by a mother country whose navy shielded them from outside interference, endowed by that mother country's arms with a geographical position which gave them enormous advantages over every rival, and now launched on a career directly traversing what even they themselves mostly admitted to be the proper order of things commercial all over the world.

The Americans had a virgin country to grow their crops in. They were by far the nearest suppliers of the West Indian demand. Their forests gave them abundance of shipbuilding wood close at hand, and the construction of vessels was made still cheaper by the fact that they could use small and light craft against the much more solid ones that Europeans were compelled to employ across the North

Atlantic. With this fourfold advantage in their favour they were able to pay correspondingly higher wages to their seamen : ' a dollar for a shilling,' as the saying went. These wages drew men from the British side in alarming numbers. The attraction was a double one, for the American merchant service promised exemption from the press-gang as well as higher pay. But in such exemption lay the bone of an irreconcilable contention between the two countries. And this contention was the second factor at work in bringing on the war.

The Navigation Act

The Navigation Act was a cardinal point of British policy. British trade was something to fight for. But its methods were always open to some sort of compromise. The Navigation Act, on the contrary, was open to none. This famous act, or, strictly speaking, series of acts, was designed to maintain the supremacy of British trade and necessitated the maintenance of the supremacy of the navy, on which the protection of trade depended, and, more particularly still, the supremacy of the naval personnel, which depended on impressment. Its provisions simply put into words what the British people as a whole had thought for generations, and what foreigners would gladly have applied to themselves, had their own sea-power been equal to the proper enforcement. There had already been three centuries of effort in the same direction when, on October 9, 1651, this momentous act was first embodied in the form which it kept, with various modifications, for two centuries more. The official title of the act —'Goods from foreign ports, by Whom to be imported'— showed at once that the object was to foster navigation as much as commerce, the man as much as the merchandise. The Commonwealth parliament saw with jealous eyes that English seamen were manning Dutch ships, exactly as they afterwards manned American ships, and for the same reason, higher pay, which could be more easily offered by those who had the easiest line of sea-borne commerce. The act directed that no merchandise whatever from Asia, Africa or America, including the ' plantations,' as colonies were then called, was

to be brought into England otherwise than in English-built and English-owned vessels, of which 'the Master and Mariners are also, for the most part of them, of the people of this Commonwealth.' The only exception made was in favour of 'such foreign ships and vessels as do truly and properly belong to the people of that country or place of which the said goods are the growth, production, or manufacture.' But this exception confirmed the rule against the Dutch, who were then the 'common carriers of Europe,' and who used to warehouse imports at home before re-exporting them abroad. It was British *entrepôt* against Dutch *entrepôt*. The British *entrepôt* won, and so became as much a part of the system as the Navigation Act itself.

Time and time again the system was challenged abroad. But the act was never repealed at home. It was the one thing about which all statesmen, all parties and practically all men were unanimous. It was given new force under the only republic known in England. It was maintained by the Restoration, by the Revolution, by Stuarts and Hanoverians, by Whigs and Tories, by every one whose influence ever counted for anything either in parliament or outside. No more pro-American statesman than Fox could be found in any British cabinet. Yet Fox upheld the act even when it was leading to war. Adam Smith became the father of free trade in the very year that Congress announced its independence. Yet Adam Smith said distinctly that the act 'very properly endeavours to give the sailors and shipping of Great Britain the monopoly of the trade of their own country,' because 'the defence of Great Britain depends very much upon the number of its sailors and shipping. . . . The Act is not favourable to foreign commerce, nor to the opulence which can arise from that; but defence is of much more importance than opulence. The Act of Navigation is perhaps the wisest of all the commercial regulations of England.'

The elder Pitt, whose whole influence was thrown into the American scale during the Revolution, came into power about the time the admiralty courts declared 'The Rule of '56,' which was accepted by the younger Pitt ten years after independence was acknowledged; and this rule was only

another part of the system entailed by the act. The unfaltering British belief simply was that trade was good but 'navigation' better, and that no amount of merchandise could ever make up for any lack of men. Once the mother country began to depend on sea-power, the maintenance of a British personnel in the mercantile marine became a necessity; for it was the reserve on which the navy drew in time of war, and on the navy depended all questions of national life or death.

In pursuance of this vital policy the British government impressed its seamen wherever found, except, of course, in foreign territory. It claimed the high seas as common to all nations, and boarded every American vessel there which was suspected of employing British seamen, whose allegiance was held to be inalienable, and whose foreign evasion of impressment in time of war was regarded as desertion. Writing to Monroe in 1807, Canning said:

> When mariners, subjects of his Majesty, are employed in the service of foreigners, they enter into engagements inconsistent with the duty of subjects. In such cases, the species of redress which the practice of all times has admitted and sanctioned is that of taking those subjects at sea out of the service of such foreign individuals, and recalling them to the discharge of that paramount duty, which they owe to their sovereign and to their country. That the exercise of this right involves some of the dearest interests of Great Britain, your Government is ready to acknowledge.

At that time the Americans actually did acknowledge the prescriptive right of inalienable allegiance. Gouverneur Morris, Gaston of North Carolina, Governor Strong of Massachusetts and many others maintained it emphatically throughout the war; and the government never denied it, but said that the British had no right to enforce it on the high seas, where the flag should cover the crew. Jefferson proposed the Gulf Stream as a dividing line. The British cabinet offered any *modus vivendi* that would avert war without giving up the right of impressing *bona fide* British subjects. But when both peoples spoke the same language,

when false papers were easily obtained and identification was made as difficult as every ingenious subterfuge could make it, no satisfactory middle way could be found. In the life-or-death struggle against Napoleon, British crews had to be found or British disaster would follow. Impressment went steadily on, and war grew steadily closer, owing to the irreconcilable conflict, not so much between right and wrong, as between two opposing rights. The maintenance of the quite justifiable claim that the flag covered the crew at sea was the crux of the whole question from Madison's point of view. Yet, under his own presidency, not a word was said about this right when peace was made at Ghent after three years of war.

Anti-British Feeling

While the first factor, trade, and the second, 'navigation,' were at work, the third, or anti-British feeling, was being stimulated by an exasperating series of incidents. In 1805 Trafalgar forced Napoleon to give up all thought of invading England. In 1806 he tried 'to conquer the sea by the land' in his Berlin decrees, which closed the continent of Europe to British trade of every kind. In 1807 the British struck back with the orders-in-council, which closed the continent to all trade that was not British or under British control. As Napoleon had no effective navy, and as the British had, the American neutrals felt the weight of the British blockade of the sea much more than Napoleon's blockade of the land. Besides, just at this time, a small British squadron at Lynnhaven Bay was blockading two French men-of-war at Annapolis, and thus, as Jefferson put it, 'enjoying the hospitality of the United States.'

During this blockade the American man-of-war *Chesapeake* put to sea and was overhauled by the British *Leopard*, which had orders to search for sundry British deserters. On the *Chesapeake's* refusal the *Leopard* fired till the right of search was granted, when the men wanted were seized. The American government justifiably maintained that, whatever might be thought of merchantmen, the flag of a man-of-war represented the nation to which it belonged, and

that for one man-of-war to attack another in time of peace was an outrage under any circumstances. But the acts of this government fell far short of its words. Instead of declaring war it laid an embargo on shipping, which exasperated its own seafaring population, injured its own trade, and drew it into Napoleon's orbit in the most ineffective way, just when it ought to have entered it in the most effectively warlike way, if it intended to do so at all. Two years later, in 1809, Sir James Craig, governor-general of Canada, employed an adventurer, John Henry, to find out what the feeling of the Americans really was. Henry, being disappointed at not getting some permanent post from the British, sold copies of his reports to Madison, who brought the matter before Congress in 1812. Meanwhile, in 1811, the *President*, flagship of an American squadron, had chased and badly mauled a much smaller British man-of-war, the *Little Belt*. The firing took place after dark, and the first shot was said to have come from the British. The war party in the United States grew more and more vociferous, and found speakers ready to proclaim its sentiments in Congress.

The Desire to Conquer Canada

War being now imminent, the fourth factor, the old desire for the conquest of Canada, was revived with increased force. It was of long standing, having been a growing national prepossession ever since Peter Schuyler first formulated ' The Glorious Enterprize ' of conquering New France in 1689. Americans remembered with wrath that the only successful invasion was the British one in 1759, and that their own colonial one in 1690 and revolutionary one in 1775 had both been disastrous failures. This third time they felt sure of success. Henry Clay spoke for his party, and the great mass of the public too, when he said:

> It is absurd to suppose that we will not succeed. We have the Canadas as much under our command as Great Britain has the ocean, and the way to conquer her on the ocean is to drive her from the land. I am not for stopping at Quebec or anywhere else ; but I would take

> the whole continent from her and ask her no favors. I wish never to see peace till we do. God has given us the power and the means. We are to blame if we do not use them.

And to public and politicians ignorant of war there seemed every justification for such blind confidence. When Madison began his second presidential term, in 1813, he claimed that 'our nation is, in number, more than half that of the British Isles.' This was rather rhetoric than statistics, the real population being rather under eight millions than over nine. Still, though the total included a million and a quarter slaves, it was fifteen times greater than the Canadian total. And this disparity was much the same in all other resources—wealth, shipping, industries, agriculture, means of communication and general development.

II

ELEMENTS OF AMERICAN WEAKNESS

Cleavage between North and South

BUT there were three weak points on the American side, the first political, the second naval, the third military. There was a distinct line of cleavage between the North and South. Though New England and New York had been most hostile during the Revolution, and though it was chiefly their ships and their sailors that suffered from the British Navigation Act, yet, as a whole, they were against the war from first to last. Their seamen had felt the competition of the deserting British, whose influx lowered wages. But their shipping did a good business by supplying the British army in the Peninsular War, and it prospered more under the self-interested tolerance of the British, who had an overwhelming navy, than under any alliance with Napoleon, who had not. Besides, Napoleon's Berlin decrees were enforced against Americans just as the British orders-in-council were; and, while the British used American shipping, Napoleon not only could not do so himself, but was trying duplicity to get it on his side at its own

risk. The Embargo and Non-Intercourse Acts had been passed by a government South against a furious opposition North, and had hurt the North ten times as much as the South. And many Northerners strongly objected to taking sides with a tyrant against the only country that still kept up the fight for freedom.

In New Hampshire a resolution was passed containing these words : 'We will, in no event, assist in uniting the Republic of America with the military despotism of France.' New York and Connecticut said much the same. In Massachusetts flags were half-masted when war was declared, and before it ended there was a New England convention meditating secession from the Union. The war party naturally became more and more infuriated, and when it saw the British armies in Canada being fed on American food, like those in the Peninsula, and the British and Canadian governments openly discriminating between North and South in the midst of hostilities, its indignation knew no bounds. And not without reason. For, though principle had something to do with the attitude of the recalcitrant North, pockets and politics had more. The presidential party was made to feel its impotence in the eyes of the world, and its consequent shame soon equalled its rage. The financial side of the war, also, was quite as pointedly telling against the men who prepared their country for defeat. Gallatin, secretary of the Treasury, showed that in the ten years before the war $46,000,000 of debt had been paid off by public economies. But, in the export trade alone, over $100,000,000 were lost in one year during the war. The direct war charges on account of the makeshift forces employed were over $200,000,000 ; and the total losses of all kinds due to the war as a whole probably exceeded $1,000,000,000.

An Insignificant Navy

The second weak point was the navy; and the weakest point about the navy was not in itself, but in the criminal neglect and gross mismanagement from which it had long suffered during the presidencies of Jefferson and Madison, who were in power for the first sixteen years of the century.

However good and great these two men were in other ways, they were almost beneath contempt in the preparation and conduct of war. Jefferson's ideal commonwealth was to be as self-contained as possible, to shrink from the risks of over-sea trade, and not to look for prosperity from 'this protuberant navigation, which has kept us in hot water from the commencement of our government.' He believed firmly in passive naval defence—the most futile of all. 'Gunboats are the only water defence which can be useful to us, and protect us from the ruinous folly of a navy.' So two hundred useless gunboats were built, to spoil the professional zeal and knowledge of every one aboard of them, and to invite at close quarters the very attack they were designed to ward off; for none of them could safely venture out of sight of land without putting their guns in the hold. Madison was no better. He gave no lead on the naval question in his war message, and his cabinet actually thought of converting the sea-going men-of-war into mere harbour hulks. Congress was equally foolish, and naval men began to fear that the service was about to be abolished.

In 1810 Captain William Bainbridge, whose zeal was as great as his means were small, applied for leave to make a trading trip to China. In an official letter to the secretary of the Navy he said: 'I have hitherto refused such offers, on the presumption that my country would require my services. That presumption is removed, and even doubts entertained of the permanency of our naval establishment.' Two years later, after the declaration of war, the Navy department, under its ignorant political chiefs, issued orders involving the most dangerous kind of bad strategy, a shrinking, huddled defensive by inferior forces at the very spot where they were most likely to be attacked by a superior enemy. Commodore Rodgers, however, who was a competent officer, formed the infinitely better plan of taking a homogeneous squadron of good sailers on an aggressive cruise where the enemy would least expect him, and he got away before the silly politicians' orders overtook him.

This case is typical of the whole war. Everything that depended on civilian control was badly planned and worse

executed. Harbours were not defended, so as to set the navy free for real sea work; and New York had to defend its own by local effort. The Lakes were recognized as of great importance. But while Erie and Ontario were put under one commander-in-chief, Champlain was left to itself.

The American navy did well, exceedingly well; but it did well in spite of the American politicians, whose every act was a blight on its efficiency. In 1793 American shipping was helpless against the Barbary corsairs when these marauders made peace with little Portugal. The American consul at Lisbon wrote to the Portuguese court: 'My countrymen have been led into their present embarrassment by confiding in the friendship, power, and protection of Her Most Faithful Majesty, which lulled our citizens into a fatal security.' Yet within a year Gouverneur Morris, who thoroughly understood the resources of the United States, wrote to Randolph, saying: 'I believe we could now maintain twelve ships-of-the-line, perhaps twenty, with a due proportion of frigates and smaller vessels.' Eighteen years after this true estimate had been made, for a country whose resources had greatly increased in the meantime, Jefferson, Madison and their party went to war without any ships-of-the-line.

The whole American navy during the war consisted of twenty-two sail at sea and three flotillas on the Lakes. The politicians believed in, and favoured for other reasons, a swarm of privateers, partly because they were cheaper for the government and partly because they were irregular. But, even with all the odds against them, the regular navy of twenty-two sail did far more than the 526 irregular privateers. Yet all of them together effected little against the well co-ordinated pressure of the regular British navy, which was managed both at headquarters and at the front by competent professionals and not by bungling amateurs.

True, the American men-of-war won nearly all the single-ship actions. Their frigates were larger, faster, better armed and better manned than the British ones of the same rating. But this was no new thing in naval history, as British vessels had long been inferior to French ones of corresponding classes, and had won only by fleet effect and

superior personnel. Now, however, most of the ships were not only inferior in material but decidedly so in manning to what they had been before. The wastage of the long war had told upon the personnel, which, while it had deteriorated in quality, had also deteriorated in another way, by acquiring an overweening confidence in its own prowess after Trafalgar.

The *Shannon's* ship's company was a notable exception. Captain P. B. V. Broke had been seven years in command of the *Shannon* when he fought the *Chesapeake*. He was an excellent officer, with an excellent, well-trained crew; and the seven years of preparation told in his favour during that famous fight of only fifteen minutes. But there were very few *Shannons*; and slack gunnery and inferior crews were overmatched by the best Americans, whose own crews were mostly drawn from men well accustomed to a discipline which was stricter in the American than in the British mercantile marine. The Lake flotillas did even better for their country, two of them annihilating their opponents and the third holding its own. Taken all round, the War of 1812 reflected a great and lasting glory on the United States navy, ships, officers and men. But want of preparation and other disabilities inflicted by their government turned the general scale against them in the most emphatic way. Before the war and the suicidal Embargo Act the annual value of American exports had exceeded $100,000,000. In 1814 it fell to less than $7,000,000, while the Stars and Stripes practically disappeared from every sea.

An Undisciplined Army

The state of the American navy and the preponderance of the British navy had a vital interest for Canada throughout the war, and mainly contributed to the final preservation of Canadian identity. But the influence of military action was more direct; and, happily for Canada, Jefferson, Madison and the public that supported them were quite as ignorant, prejudiced and inefficient about their army as they were about their fleet. The effect of their blundering was even worse. Sailors have always had the immeasurable advantage of being comparatively free from political interference at

sea ; but soldiers are liable to be harried by it, even at the front, and the American land forces had more than their share of it on the Canadian frontier. In his attitude towards all things military Jefferson was a demagogue, Madison a desk-and-ledger politician, and none of their good points were of the least use in the raising, training or employment of armies.

Jefferson was certain of immediate victory. Writing to Monroe in 1812 he said : 'The acquisition of Canada this year, as far as the neighborhood of Quebec, will be a mere matter of marching.' Eustis, the secretary of War, was still more optimistic in a speech : 'We can take the Canadas without soldiers ; we have only to send officers into the provinces, and the people disaffected toward their own Government will rally round our standard.' Both these absurd delusions were fully shared by the overwhelming majority of the American people, as was the equally absurd belief in the efficacy of untrained militia. There was nothing strange in this. Most English-speaking people hug the militia delusion to the present day. Every mass of inexperts is a mob. Every mob naturally likes to think an armed mob equal to an army ; and every demagogue naturally likes to encourage a delusion so favourable to his own ascendancy. But his cry and the mob's echo, that irregulars mean victorious freedom while regulars mean tyrants and slaves, ignore the fundamental truths of the whole history of war, ignore the lessons of the fight for freedom then being fought against Napoleonic tyranny, and ignore even the three great champions of the formed and forming United States—Lincoln and Washington, and the Great Commoner, Pitt.

Jefferson heralded his accession to power by declaring that the American 'was the only government where every man would meet invasions of the public order as his own personal concern.' He then reduced the army to 3000 men. Eleven years later, in 1812, after Madison and the whole party had decided on war, there were 35,000 on paper but only 6744 on parade. During the three campaigns the United States enlisted 56,032 men into their regular forces by land and sea, 10,110 into their volunteers and 3049 into the rangers. At the same time the different states called out

456,463 militia. Thus half a million men took military service of one kind or another and for various terms, from one month to five years. Yet no American general ever brought 10,000 effectives on to any field of battle. The raw, unseasoned levies simply melted away. A man under a short enlistment had to be dismissed long before he became a soldier fit for duty at the front. Sickness wrought fearful havoc ; for the medical service was no better organized than the rest. Fifty thousand lives were uselessly thrown away. It was the same tale in action. The generals were old and inefficient, chosen either for political reasons or because they had served in subordinate positions during the Revolution. Their mere age was no disability in itself. Moltke was completely efficient at seventy. But he had an army to work in and with all his life long. Dearborn, Hull, Hampton and Wilkinson had grown out of touch with the service for thirty years. Yet they were not altogether to blame. There was hardly any service with which to keep in touch.

The first attempts of American strategy were hopelessly bad ; the tactics were worse. The armed mob everywhere behaved as armed mobs always do. It was not the seasoned regulars but the raw ones, or the disorderly militia, that were chiefly responsible for the outrages which entailed British reprisals culminating in the burning of governmental Washington : and nothing embitters like raids and reprisals. Many levies never got to the front. Four thousand Kentuckians marching on the Wabash in 1812 got panic-stricken the fifth day out and ran back home. Harrison's Virginians mutinied. Jackson could only get one hundred out of two thousand to stand guard at Fort Strother in 1813. And even in 1814, the third year of the war, and in defence of Washington itself, out of 93,000 militia warned for service, only 15,000 were called out, only 5000 responded, and these ran away from 1500 British regulars after a loss of only eight killed and eleven wounded. On the other hand, once the Americans became seasoned and had developed good leadership, they did as well on land as their regular navy itself on the Lakes and at sea. And there were cases where the very same men who ran like hares when they were raw militia,

fought like heroes when they had become a disciplined part of a disciplined army.

The one great lesson of the whole war from the American point of view is the invariable one taught by all history, that victory can only be gained by organizing national resources to warlike ends long beforehand, and then striking hard at the proper time. Had the Americans been prepared and united in 1807, and struck hard during that propitious year, the Stars and Stripes would now most probably be waving over the whole continent from Texas to the Pole. But they were not prepared and not united, and they struck unskilfully five years too late.

III

THE CANADIAN MILITARY SITUATION

An Unwelcome War

BUT, in the year 1812, the last thing that Great Britain wanted was war with the United States. Unprepared as they were, the Americans were a formidable addition to the enemies already in the field. Except for the Peninsula and Russia, practically the whole continent of Europe was well within Napoleon's sphere of influence; and there was a desperate campaign being fought in the Peninsula, while Napoleon himself was marching on Russia at the head of more than half a million men. British sea-power, mercantile and naval, was strained to the uttermost. The navy had more and more difficulty in recruiting its ranks. It was by far the greatest navy that had ever existed. Its personnel amounted to 150,000 men, and this enormous total was still undergoing the most alarming wastage after nearly twenty years of war. Such wastage could only be made good from the mercantile marine, which was itself subject to the wastage of desertion abroad as well as the drain of its own service. The Navigation Act, as usual in time of war, was relaxed to allow a higher percentage of foreigners. But this injured naval recruiting. American shipping had been allowed to feed the Peninsular armies and trade with the West Indies, in

default of enough British shipping for both. But now the Americans were being turned into enemies. Moreover, a new danger arose from the navy that Napoleon had been so sedulously building since Trafalgar. He could not man it himself. But what if he turned it over to the Americans who could? Then, the inefficiency of the American government and the benevolent neutrality of the North could hardly be counted on as a certainty beforehand. There were only eighteen millions in the British Isles to maintain an empire in every quarter of the globe, the greatest navy in the world, and an army on the continent of Europe against the greatest captain of the age; eighteen millions, under a stricken king, with a recently assassinated prime minister, with a disaffected Ireland, with wide-spread distress at home and continual menace from twice as many enemies abroad. It certainly was no time to add six millions of new enemies, who lived beside a vulnerable colony three thousand miles away.

Canada was then little more than a thin line of settlements along the American frontier, getting sparser and sparser along the Great Lakes, where most of the fighting took place. In all material possessions the country was vastly inferior to the United States. Its farms, its mines, its trade, its shipping, its roads, its towns, its realized wealth and general development were at least as disproportionate as the respective populations were—fifteen to one: and the equality in waterways and relative superiority in fur and fisheries did little to redress the balance. The total population of British North America in 1812 was only half a million, less than the soldiers in one of Napoleon's different armies, and less than the total American enlistments during the war. Except for the naval base at Halifax, the maritime provinces and Newfoundland lay practically outside the scene of war altogether. But some good men from these parts were raised for service elsewhere. More than half the people lived in Lower Canada, where the preponderant language was French. There were less than one hundred thousand in Upper Canada, where a good many American immigrants were either disaffected or openly hostile, and

SIR GEORGE PREVOST

From the painting in the Dominion Archives

where a small number of Canadian renegades gave a great deal of trouble, at first in politics and afterwards in the field. The Eastern Townships also contained some Americans and renegades. The Americans nearly all crossed over to their own side and the renegades disappeared. The Indians were still a relatively important factor. As at the time of the Conquest, they naturally sided with those who treated them best and disturbed them least. The American backwoodsmen were always at war with the wilderness and all its ways, and the common American spirit, afterwards crystallized into the saying that the only good Indian was a dead one, had long been in possession of the American public mind.

The British governor-general and commander-in-chief who was called upon to face this third American invasion was Sir George Prevost, pure Swiss by blood, but, like his father before him, a British officer of some distinction in minor positions of civil and military trust. He had successfully defended Dominica from a French attack in 1805, and was made a baronet for his services. Afterwards, when lieutenant-governor of Nova Scotia, he had taken part in the successful attack on Martinique. He was forty-five years old, and had now been several months in office at Quebec. Here he had already done much to help the British cause by ingratiating himself with the sensitive French Canadians, who had resented the abrupter manners and sterner methods of the more masterful Craig. French was Prevost's mother tongue. French ways were thoroughly familiar to him, and he was naturally fitted to understand French-Canadian aspirations. All this was for the good of a country where the French-speaking subjects of the crown have not always met with the sympathetic consideration which they deserve: and Prevost was suavity itself. But there his qualifications to meet the crisis ended. Though diplomatic enough in some ways he was far from being a great governor in others; while his temporizing character, perhaps increased by failing health, and his total lack of effective initiative made him utterly unfit for the position of a great commander.

The Defences of Canada

As the storm gathered beyond the long and open Canadian frontier it might well have appalled a stronger man than Prevost. In spite of naval protection from Halifax up to Quebec, in spite of the probable neutrality of the north-eastern states, and in spite of the ridiculous ineptitude of the American government, there was a very great and imminent danger along the whole thousand miles from Montreal west. All over this theatre of operations there were very few natural advantages on the Canadian side, while the artificial advantages were entirely on the American, because of the longer occupation, closer settlement and vastly superior development. The waterways were common to both sides, but the Americans had every advantage in shipbuilding. Lake Champlain was on their side of the line. Lakes Erie and Ontario were themselves the boundary. Sackett's Harbour on Lake Ontario had a strategic disadvantage as a base compared with Kingston, because the best land communications converged on Oswego, forty miles away. Otherwise the Americans had nothing to complain of by water; and on land there were no insurmountable obstructions to keep them out, all the way down from Lake St Clair to the vicinity of Quebec. The country was mostly flat. The settlements were all beside some navigable water. The clearings were from one to three-quarters of a mile wide. Beyond them the bush extended back to the outer wilds. The battlefields were mostly of a single type : one flank on the water, the other on the bush, and the centre in the middle of a clearing. The old line of invasion, along Lake Champlain and the Richelieu, threatened Montreal. Sackett's Harbour threatened Kingston. The Canadian peninsulas on the Niagara and Detroit frontiers were in great danger singly, while both of them, and all the rest of the Ontario peninsula, could be cut off by an army based on Toronto and in touch with flotillas on Lake Ontario and Georgian Bay. St Joseph Island, between Lakes Huron and Superior, could not be defended from any well-delivered attack, and with it would fall the alliance of the western tribes. There was no land line of communication

except beside the waterways, and no good line of waterways except the one along the St Lawrence and the Lakes. Consequently, the cutting of this one, long, thin, weakly defended line at any one spot meant the loss of everything to the west of it. Such was Canada when the third American invasion began.

Canada's defence depended, first, on the British navy, a world-wide force and the greatest of its kind, but, in 1812, already taxed to nearly the limit of its strength. In 1813, after Napoleon's retreat from Moscow, the pressure on it began to relax in Europe, and its North-American squadron began to command the whole coast. In 1814 it was simply omnipotent. This unchallenged omnipotence had the effect of drawing American seamen into the British mercantile marine, the only one that could safely put to sea. There was no other employment for Americans afloat. Their men-of-war were nearly all hopelessly blockaded, their privateers unable to do anything worth the risk, and their merchantmen laid up in port. Another effect, and one equally exasperating to Americans, was the wonderful prosperity of Quebec and Halifax. True, Canada had not been able to replace the United States in the West Indian trade, as had been hoped. But the safety of her two great ports, and of the seaways leading to them, had a wonderfully stimulating effect on her defence. Not only did their own trade increase, but they did nearly all the 'underground' trade for the Northern states too. Through them the Americans exported to the British West Indies, to the British army in the Peninsula, and to the British army in Canada; and through them they imported almost everything they could get from the outside world. A secondary effect, even more maddening to the war party in the South, was that this illicit trade with the British tended to concentrate all the circulating wealth of the United States in the hands of the North. Thus, at every turn, the British navy gave 'aid-and-comfort' to a hard-pressed Canada, and gave it in the best of all possible ways of defence—by destroying the enemy's means of destroying her.

Secondly, there was the provincial marine for service on

the inland waters. It was a weak and makeshift force of irregulars, without sound discipline or combined training. It was under the governor-in-chief, and administered from military, not naval headquarters. It let Chauncey slip through its fumbling fingers on Lake Ontario at the end of 1812, and thus helped him to checkmate the British flotilla there for two years more. Its personnel was not individually bad, but quite unfit for collective expert work. In 1813 some insufficient detachments of the navy arrived and were also placed under Prevost's command. In 1814 all the naval forces on the Lakes were taken over by the Admiralty. But they were still lamentably insufficient for the work they had to do, as this meant the moving, feeding and maintaining of a widely distributed army as well as the local command of the sea.

Thirdly, there was the British army. Its forces in Canada were almost fatally weak. But, as regulars, they were ready for service at all times, and therefore able to ward off the first shock and give the militia time to organize. The functions of regulars and militia on the outbreak of war could not be better defined than by turning the nonsense of Jefferson's first inaugural address into its perfect opposite : ' Militia is our best reliance for the first moments of war, till regulars may relieve them.' Fortunately for the Empire and for Canada there was one element of surpassing strength among the regulars in the personality of Isaac Brock, the first British general to take the field. He perfectly understood the relative value of regulars and militia, and how to get the best work out of each part of his very mixed forces. He knew Canada well, having served there almost continuously for ten years. He had begun his career in the 8th Foot and spent the rest of his regimental service in the 49th, which he had commanded in Holland and Denmark. He was thus well known by two of the principal regiments engaged in the war. He was still in the prime of life, forty-three, the same age as both Napoleon and Wellington. He was a profound student of military problems, and had long foreseen and carefully provided against the coming crisis by every means in his power, inadequate as those

means were. He was also a capable civil administrator, like many another great soldier, and the authorities had the excellent good sense to make him administrator of the government of Upper Canada during the absence of the lieutenant-governor, Sir Francis Gore, as well as commander of the forces there. This was a complete contrast to what the Americans did when they made a civilian the head of their army on the Niagara frontier; but so was Brock's victory at Queenston a complete contrast to the consequent American defeat.

The number of British imperial regulars in Canada when war broke out was only 4450, and these were not the best of their kind. Most of the best men were wanted for the Peninsula, and long service in small colonial garrisons had made the second-bests still less effective. But the presence of these few regulars turned the scale, for all that. They consisted of four line battalions of the 8th, the 41st, the 49th and the 100th. Brock's criticisms were both sharp and appropriate. 'The 41st is an uncommonly fine regiment, but wretchedly officered. . . . The 49th has been ten years in this country, drinking rum without bounds; but it is still respectable and apparently ardent for an opportunity to acquire distinction.' These two were the best. But it must be remembered to the credit of the whole, that, in their anxiety to have their forces perfect, good commanders are apt to emphasize the bad points they wish eradicated rather than the good ones which meet with their approval: Wolfe and Wellington were always finding imperfections. There were no cavalry, very little field artillery, few engineers, and only makeshifts for the commissariat, transport and medical services.

Next to the imperial regulars come the local ones, the Canadian Fencibles, Canadian Voltigeurs,[1] Royal Newfoundland regiment, New Brunswick regiment, Royal Veterans,

[1] It should be remembered that the 'Canadian Chasseurs' who brought discredit on the British arms at Hampton, Virginia, were more properly described by their original title of 'Independent Foreigners.' They had no connection whatever with the French-Canadian Voltigeurs and were neither Canadian nor British. They were a temporary foreign legion, which was soon mustered out of the service on account of its misdoings.

and Glengarry Light Infantry. The Glengarries, eight hundred strong, were the men of two immigrations of Highland Roman Catholics into Glengarry county on the St Lawrence. The permanent strength of these six corps hardly equalled that of all the imperial regulars, say, four thousand men.

The Canadian Militia

The Canadian militia was divided into embodied and sedentary. By law every able-bodied man from sixteen to sixty was obliged to enrol his name with the local captain in the month of April and attend four muster parades, at which the elements of drill were taught, as well as one annual inspection by some superior officer sent by the commander-in-chief. In Lower Canada, or Quebec, there were 52,000 enrolled, out of a population of 335,000. In Upper Canada, or Ontario, the sparser settlement, newer system and greater difficulties of all kinds prevented a total of more than 11,000, out of a population of 90,000. The embodied, or 'incorporated,' militia was obtained by volunteering or by ballot from the sedentary. In Lower Canada an act of parliament was passed on May 19, 1812, authorizing an establishment of 2000 'incorporated militia' during the war. But the governor-general in council, by virtue of special authority for such cases, raised it to 4000 later on, and this remained the official strength till peace was declared. The service was made as easy as possible by discouraging married volunteers and confining the ballot to bachelors who were not the sole support of the homes in which they lived. The full term was two years. But one-half of any corps could be discharged each year, and the vacancies filled up by a fresh ballot; if the exigencies of the service permitted. The men so discharged formed a trained reserve, always available in case of emergency. Upper Canada was too sparsely populated for incorporated battalions. But a special consolidating Militia Act of March 6, 1812, provided for flank companies obtained from each battalion by volunteering or, if that failed, by ballot. The authorized establishment could be as high as two flank companies of one hundred men each, if the strength of the local battalion were sufficient.

These flank-company men were all under forty and free from the absolute necessity of supporting their families. They were liable to six days' drill every month, before the war was declared at all ; they could be called out at a moment's notice, were subject to all military discipline, had a regularly appointed staff, and could be kept under arms, if required, for any length of time over the previous statutory militia limit of six months.

All this shows that the Canadian militia of 1812 was no armed mob, no levy of enthusiasts flying to arms for the first time, but a carefully organized force, inspired by long traditions of service, breathing the tonic atmosphere of discipline, and proud to stand beside those invaluable regulars whose constant presence, in peace as well as war, enabled it to become so fit a part of so fit an army. The weakness in numbers naturally made strength in training and companionship all the more necessary. Some years earlier Craig had asked for 12,000 imperial regulars to defend the Canadas against American invasion. Now, in 1812, there were no more than 12,000 effectives, of all kinds, to meet the first shock of war : 4000 imperial regulars, about as many newly raised colonial regulars, from Newfoundland to Glengarry in Ontario, and some 2000 incorporated militia in Lower Canada, with perhaps nearly the same number of volunteers and ballot-men ready for the call in Upper Canada.

Very few of the remaining 50,000 sedentaries ever appeared in action. Their chief service was relieving regulars and incorporateds at the base or along the lines of communication. Their numbers fluctuated, according to constantly changing circumstances. But they probably never had a tenth of their total under arms, at any one time, all over the country.

The four great motives that made the militia ready to turn out, to become quickly disciplined, to train as much as possible, and to fight with the utmost determination, were : first, their association with Brock and the regulars, in whom they had confidence and whose soldiership they wished to emulate ; secondly, the strain of soldier blood flowing in so many of them ; thirdly, the feeling that they were defending hearth and home against would-be dispossessors ; and,

fourthly, the fact that they were mostly of French-Canadian or United Empire Loyalist descent, and that the only way they could live the life dearest to their hearts was by repelling the invaders who would most certainly destroy it. The war in general might be half-hearted ; but that was nothing to them. They were in deadly earnest. The United Empire Loyalist had already risked and lost nearly everything he possessed for one of the noblest of earthly ideals. He thought more of what he was than what he had. He had been persecuted out of his old home. He would not be fought out of his new. And so, inspired by all, and more than all, that king and country mean to other men, he stood defiantly at bay, every inch a patriot armed.

The French Canadian seemed at first to be a much less certain quantity. The capable but not too sympathetic Craig, and even the more enthusiastic and discerning Brock, both had their doubts. When Brock issued his rejoinder to Hull's proclamation he spoke as an Englishman to Englishmen, and either believed or affected to believe that Napoleon was the ultimate danger to be feared. ' It is but too obvious that once exchanged from the powerful protection of the United Kingdom you must be reannexed to the dominion of France.' In this he was wrong. Even the war party in the United States would never have let Napoleon into Canada if they could have kept him out. Nearly all the Americans wanted Canada for themselves, and the French Canadians soon realized that the only way they could live a French-Canadian life was by fighting heartily against the invaders. They were not deceived by the attitude of the North. They remembered the '*Bastonnais*' of 1690 and 1775. Even an alliance between Napoleon and the United States would have made no difference. The French and American Revolutions were anathema to the priests. Had not the French-Canadian, Roman Catholic Archbishop of Quebec ordained a general thanksgiving for the just laws and protecting arms of the imperial British crown when the news arrived of Nelson at the Nile ? Had not the seigneurs been the first to take up arms against Montgomery and Arnold ? And were not the habitants more than half foreign to the Napoleonic

Frenchman, and altogether so to every citizen of the United States ?

At first there was some of the usual misunderstanding, and when the Montreal militia was embodied there was a riot at Lachine that had to be put down by calling on the regulars. But this phase was soon over, and presently the French Canadians developed a British hero of their own, in the person of de Salaberry, who won the gallant French-Canadian victory of Châteauguay. The Lower Canada parliament was at least as loyal as the one in Upper Canada. Neither would facilitate a proclamation of martial law. But Lower Canada passed the Army Bills Act to make good the immediate want of ready money, and, by so doing, helped to establish a firm system of public credit, which laid the foundation of all the sound banking and business of the future. In these army bills we have the first paper money which served its turn to perfection, earned—in a certain sense—its own interest, and was redeemed at par. The French-Canadian members voted unanimously for the act, and the act was the greatest financial measure of the war. Thus Prevost and the French-Canadian electorate helped the finance that helped the war that laid the foundations of good business afterwards. But it was only because Prevost, French Canadians and finance were all parts of one victorious whole that they themselves survived the crisis, and the only way success was attained was by national discipline, military training and sheer hard fighting at the front.

The Indians were the last part of this victorious whole. They were not very strong in Canada proper. They were never well organized. They fought for their own hand, like most of the whites who fought them, and they were fond of loot and massacre. But they were good scouts. They did all the actual fighting at the battle of Beaver Dam. Though few and mostly unreliable, they would have been undesirable neutrals and very dangerous enemies. Their greatest strength lay in the West, and their general rendezvous was where Lakes Superior, Michigan and Huron meet, round the American post of Michilimackinac and the British post of St Joseph's Island. Their greatest leader was Tecumseh,

a Shawnee chief, who had been a moving spirit among the confederated Indians crushed, in his absence, by the Americans under Harrison at Tippecanoe in 1811, when they made a last desperate effort to stop the western advance of the exterminating backwoodsmen. He was a born leader of men, and as merciful in victory as he was gallant in defeat. The story of his life and death is the swan-song of Indian prowess in a white man's war. He and Brock, who were the same age, saw in each other a kindred soul. Like de Salaberry, he became a British hero, though very much further still from being a man of British blood. And like Brock, he fell immortal in a British cause.

A Fusion of National Forces

Indian, French Canadian and United Empire Loyalist, Canadians of British and other descent, Newfoundlanders and old countrymen—all these were among the fighting scouts, the sedentary or embodied militia, the provincial marine, the Canadian regulars or the imperial troops. The total twelve thousand ready for the first great shock of war was a pitifully weak force to meet an enemy whose enlistments alone ultimately equalled the whole population of Canada. But the quality was better than the quantity, in spite of its many imperfections. All the irregulars, except the Indians, had traditions of discipline which were fostered by the presence of regulars in their midst; and Brock fired every one who met him with some of his own exalting zeal. The military half of the united service that saved the day for Canada soon became worthy of that other half which, though in a different way, was equally protecting the vast issues committed to their joint safe-keeping. This other half was, of course, the imperial navy, the oldest and greatest sea force in the world. The loyalist or French-Canadian soldier, fighting so far inland, never saw, and sometimes little heeded, the ships that also fought Canadian battles, though a thousand miles away. Yet, from the first, they helped him and discomfited his enemy over all the immense area of that sprawling and sporadic war. And at the last, when the two lake battles had been lost, when the Americans had developed a

real army on the Niagara frontier, and when the two British land invasions had failed at Plattsburg and New Orleans, it was the silent, constricting pressure of those guardians of the sea that redressed the balance of power in favour of Canada, less dramatically but more effectually than Brock had done two years before.

Take it for all in all, the War of 1812 was one of the greatest blessings ever vouchsafed to Canada. It was a stern test of her national worth, a supreme ordeal for her pioneering people, who had such different origins, languages and thought. To have shrunk before an invasion which threatened all she held most dear would simply have been to accept death as the wages of her sin. She was not born, nor had she lived, to cringe; and the day of battle found her nobly eager to do her duty to her better self and to the Empire within which alone she could remain Canadian. She knew that, although the single British right against them was a matter of life or death, the Americans were fighting for both a major and a minor right of their own. But this was in the war at large. When she fought them here at home she felt that every primal right of sheer defence was hers, beyond all doubt. And, feeling this, she made the war a blessing, not a curse. It taught her more in three campaigns than any thirty years of peace. It linked her older East and new North-West together by feats of arms done for her in the Straits of Mackinaw. It made Ontario historic ground, Queenston a place of veneration like Quebec, and Brock a name to conjure with, like those of his forerunners on her roll of fame—Frontenac, Carleton, Wolfe and Montcalm. And it once more taught her enemy the lesson he had most need to learn, that Canada was not for sale or to be invaded with impunity. This was his third and most conclusive lesson. In 1690 Phips's New England armada tried to take New France, and was repulsed by Frontenac the Frenchman. In 1775 the thirteen revolting British colonies tried to make Canada the fourteenth, and were repulsed by Carleton the Englishman. Now, in 1812, the new American republic tried another conquest from the south, and again the invasion was defeated,

but more decisively and by a more united defence than ever before. This third war brought all Canadians into the free and willing service of their common country against the common foe. It fused them in its patriotic fire, welded them into sword and shield, proved them in the hour of danger, and never found them wanting.

IV

THE OPENING YEAR OF THE WAR

First Fights by Sea and Land

ON June 19 Madison issued the American declaration of war. Two days later Commodore Rodgers left New York in the *President* with a small flying squadron to cut off the British merchant fleet homeward bound from the West Indies under convoy. His cruise was unsuccessful, though well planned. But the two other large American frigates did good service. In August the *Constitution* took the *Guerrière*; in October the *United States* took the *Macedonian*; and in December the *Constitution* took her second prize, the *Java*. Nearly every other single-ship action also went in favour of the Americans, who well deserved their brilliant, if barren, success. Their officers were younger and fitter in other ways than the seniors in the army. Some of them had seen recent service against the Barbary corsairs, and their frigates distinctly outclassed the British at every point of sailing, size and armament. This marked inferiority on the British side was no excuse for defeat from the national point of view, whatever it was from the naval. Successive British governments had been content with inferior naval material for over a century, because the men more than made up for the defects of the ships. Once there were good seamen on the other side, and deteriorated crews as well as ships on the British, the result of a duel was certain. These actions stung British pride, in spite of their impotence to effect victory on a decisive scale. Even Wellington lamented them more than the loss of a battle on land. 'I have been very uneasy about the American naval successes. I think we should

have peace with America before the season for opening the campaign in Canada, if we could take one or two of these damned frigates.'

The American land campaign of 1812 was very different. It had a vainglorious beginning, a disorderly middle and a disastrous end. Quebec could not be reached without more disciplined naval and military forces than the United States then possessed. But the nearer Quebec the Canadian line of defence was cut the better. Yet nothing effective was done against the Montreal frontier, an open land line of eighty miles, from St Regis on the St Lawrence, due east, along the forty-fifth parallel, to where the Richelieu flows out of Lake Champlain at a point forty miles south of Montreal. There were no natural obstacles favouring the defence, so a chain of posts was established by de Salaberry, who commanded the Canadian Voltigeurs. Four small battalions of French-Canadian militia had also been embodied at the end of May, and the sedentary militia was warned for service and called out in rotation as opportunity offered or danger threatened. But the main force for the defence to rally on consisted of 1900 men, more than half imperial regulars, who camped at L'Acadie, five miles west of St Johns on the Richelieu and about half-way between the frontier and Montreal. In October the Americans overpowered the Canadians at St Regis, but were themselves overpowered and driven back in November. By this time the advanced guard of the main American army under General Henry Dearborn, with head-quarters at Plattsburg, had arrived at the frontier, just four months too late. On the 20th a couple of strong detachments converged on the Canadian blockhouse at Lacolle. The Canadians slipped out in the dark. The Americans fired at each other and fell into confusion, and when the Canadians came back with reinforcements the Americans retreated in haste, having done a good deal of damage to their own side and very little to the enemy.

The invaders did no better along the upper St Lawrence, between St Regis and Kingston, except that a British attack from Fort Wellington (Prescott) against Ogdensburg proved abortive, and an American attack on Gananoque was success-

ful. Both were mere trifling raids. But the command of Lake Ontario was of prime importance, and here, where the opposing flotillas were Lilliputian, the Americans under Commodore Isaac Chauncey at Sackett's Harbour had decidedly the best of it at the end of the year. Neither side was ready. But the Americans had every advantage in resources, and this made Brock eager to attack them at once, on his victorious return from Detroit in August, before they could bring their latent strength to bear. Prevost was well aware of what they were doing, and of the danger of letting them do it. He also wrote home to suggest that the Lakes should be put under the Admiralty. The home government wrote out urging him to keep control there till the spring, when they would send him two hundred bluejackets to fill up the skilled ratings in the flotilla at Kingston. At the same time they encouraged a man of his temporizing disposition far too much towards patching up a makeshift truce ; and he, on his part, went even beyond their wishes, by making an armistice with Dearborn that checkmated Brock on Lake Ontario, aided the Americans to bring up supplies on the Niagara frontier, and almost turned Queenston into a fatal defeat.

Brock's Military Genius

Brock's own campaign—brief, brilliant and immortal—was the real glory of 1812. Even the American victories at sea cannot compare with it. They were duels. It was war. And in this three months' war Brock proved himself, beyond all question, the one man of real genius produced by either service or on either side. Michilimackinac in July, Detroit in August, Queenston in October—these are his titles to fame and Canadian gratitude for ever. The numbers were small; but the handling was consummate, and the stake was immense. And though the stream of tendency he turned was then remote and little heeded by the nations of the earth, he knew it for the source of what might some day be a human greatness matching the greatness of the waters in the land for which he died.

The moment he heard that war had at last been declared

SIR ISAAC BROCK

From the miniature owned by Miss Sara Mickle, Toronto

he sent instructions to Captain Charles Roberts, commanding the fort on St Joseph Island near Sault Ste Marie, either to attack the Americans at Michilimackinac or defend himself at his post according to circumstances. Roberts considered his own position untenable, and at once set out to attack the enemy before their reinforcements could come up. The instructions arrived on July 15. Roberts set out on the 16th with 45 of the Royal Veterans, 180 Canadians, 400 Indians and two six-pounders. By three in the morning of the 17th he had done the fifty miles of intervening waterway, and by ten he had taken up a position commanding Fort Michilimackinac, which was held by only 57 effective men. At noon the garrison surrendered without firing a shot. The British then took possession of the fort and kept it for the rest of the war. The effect of this bloodless little victory was immediate, far-reaching and profound. The news flew along the network of forest trails and waterways till every wigwam was agog with it. The Straits of Mackinaw were the gateway of the West. The British held the key in one strong hand, and an irresistible sword in the other, while the Americans had slunk away like slaves. If a side must be taken in this white man's war, let it be the British. And so the braves that took the war-path came down to where invaders and invaded were drawing together near Detroit.

The American plan of campaign was to get complete control of Lake Erie by invading both the Detroit and Niagara frontiers in overwhelming force. The American side of the lake enjoyed a very much higher degree of development than the Canadian, especially along the Niagara, where the base was established, and the west, where the first blow fell. The three blows, against the British in the Straits of Mackinaw and against both frontiers, ought to have been delivered simultaneously, or feints ought to have been made at various points, and the real attack driven home at one. But this involved combinations that were beyond the power of disjointed armies to effect. The thick end of the wedge was turned against the frontier for eight hundred miles, from Amherstburg to Montreal; but the attacks were made both in disconnection and succession.

The Americans had comparatively good roads along the south shore. Their stations at Presqu'Isle and Sandusky were not opposed by any corresponding stations on the Canadian side. The islands, with the good harbour of Put-in-Bay, were theirs. The Maumee River, where Fort Meigs was soon built, gave them a line of advance or retreat in the west. Their relative superiority in settlement was well maintained all the way up to Fort Detroit, at the upper end of the Detroit River. The only British station was the tiny settlement of Amherstburg, at the lower end of the river, sixteen miles south, and the only fort was Fort Malden, weakly built and very weakly held. The whole British force on their frontier consisted of 100 men of the 41st, 300 Canadian militia, and 150 Indians under Tecumseh—about 600, all told, including the artillery. The declaration of war had reached Prevost at Quebec on June 24, Brock at Toronto on the 27th, and Lieutenant-Colonel Thomas Bligh St George at Amherstburg on the 30th.

Meanwhile Hull had taken command of the western American army in May, and was already moving forward on Detroit from the Maumee with one battalion of regulars and several of militia when the news of the declaration of war overtook him on July 2. The same day one of his supply schooners, with important dispatches on board, was taken at Amherstburg. On the 5th he reached Detroit. On the 11th he crossed over into Canada with 2500 men. On the 12th he issued a proclamation, reminding Canadians that they were 'separated by an immense ocean and an extensive wilderness from Great Britain,' and promising them that if they would only join the United States they would be 'emancipated from tyranny and oppression, and restored to the dignified station of freemen.' He was now within easy striking distance of Amherstburg and the odds were four to one in his favour. Had he pressed on and attacked in full strength he must have succeeded. Instead of doing so, he wasted time and frittered away his forces in different directions. He waited to mount his heavy guns on carriages, though he could have battered Fort Malden with his light ones. He sent out raiding parties to talk treason to amenable

Canadians and seize supplies from those who turned deaf ears. One of his parties raided Moravian Town, sixty miles inland. Others skirmished southwards against Tecumseh and the British along the Rivière aux Canards, where the first shot of the Canadian war was fired, five miles north of Fort Malden. The Americans had already begun to stumble aimlessly about in straggling detachments, all parts and no whole.

Once the news reached Brock the scene of action changed as if by magic. At the touch of his master mind every part of the campaign was set to work towards the one desired end, in its proper relation to every other part and to the whole. Colonel Henry A. Procter of the 41st arrived to command at Amherstburg before the end of the month. His force was greatly inferior to Hull's in numbers ; but as his men were better disciplined, and as he had control of the Detroit River, he at once threw a force across it to cut Hull's communications with the Maumee, eighty miles from the Rivière aux Canards by the roundabout line of advance and retreat—ten north to the Detroit ferry and seventy south by the road through Maguaga, Brownstown and Frenchtown. On August 5 Tecumseh ambushed 200 Americans that Hull had sent down from Detroit to meet a supply column coming up from Frenchtown. Again important dispatches were taken and the American plans and numbers revealed. On the 8th Hull had fallen back on Detroit and sent out 600 men to reopen communications with Brownstown, beyond which lay the needed supplies. On the 9th this force was checked at Maguaga by inferior numbers, whereupon it retreated to Detroit. On the 13th 400 men were specially picked out for a third attempt, and put under a good regular officer, Colonel MacArthur, whose orders were to work round beyond Brownstown inland through the woods. Hull began to realize that his case was getting desperate. The surrendered Americans had come down from Michilimackinac ; the Indians were rising north and west ; his land line was blocked to the south ; Brock was pressing on from the east ; and the discipline, never really good, was getting worse every day.

Worst of all for the Americans, the very night MacArthur left Detroit Brock himself arrived at Amherstburg. He had been incessantly busy with his civil and military duties ever since he heard that war had been declared. In Upper Canada he was practically everything — governor, commander-in-chief of the army, responsible for all defence on the water as well as on the land, and, equally important, the trusted friend and leader of every loyal British subject at the seat of war. No one understood better how to raise, inspire, control and handle a mixed force of regulars, militia, Indians and civilians. He would have discipline at all costs. Yet his civilian teamsters, boatmen and purveyors bent all their energies to the one end as thoroughly as did his own men of the 49th. He had left York for the Niagara frontier, placed his weak forces there at good supporting distances, answered Hull's proclamation with another, which was dated from Fort George on July 22, and then gone back to York, where he opened a special session of the legislature on the 27th. The assembly blocked the suspension of the Habeas Corpus Act, so the gallows were cheated of several renegades then, and got only eight later on. However, with few exceptions, the house was loyal, through and through. Supplies were freely voted. An intensely patriotic address was carried amid great enthusiasm. Many members left for the front when the house was prorogued on August 5. And Brock's call for volunteers from the militia, to follow him against Detroit, was answered by many more than he could take.

The Fall of Detroit

He crossed Lake Ontario on the 6th, marched overland to Long Point on Lake Erie the next day, and went aboard on the 8th with all the men the boats could carry—300, of whom only 40 were regulars. Landing at Amherstburg on the night of the 13th, he reconnoitred the frontier on the 14th, superintended the bombardment of Fort Detroit on the 15th, and, in the early morning of the 16th, took all his mobile forces—700 men with five light guns—across the river to Spring Wells, three miles below Detroit. During the night Tecumseh had crossed two miles lower down with

600 braves. Meanwhile the British battery at Sandwich and the few little British vessels brought up from Amherstburg held the Americans fast at Detroit, commanded the whole waterway, and so protected the crossing and secured a line of retreat in case of need. Having cut Hull's line Brock extended the Indians to a point in the woods a mile and a half inland, and was preparing to wait for an attack in the open, when he heard that MacArthur's force in his rear was returning towards Detroit. Then, with the quick and sure insight of genius, he divined that Hull's difficulties would culminate in an immediate crisis. Instead of retreating, like a weak man, waiting, like a temporizer, or turning against MacArthur, like a second-rate general of the good-and-safe variety, he boldly advanced, inclined to his left, faced to his right, swung the Indians round behind him, and prepared to storm Detroit from the land side, where he was least expected.

This proved decisive. Hull had twice as many men, MacArthur half as many, as Brock's white force, which stood between them. But Brock knew every move ; Hull did not, and neither did MacArthur. Hull's best men were with MacArthur. Those in Detroit were nearly all militia, hastily put together for victory, and ready to dissolve again at the prospect of defeat. All the disintegrating factors that work so quickly on undisciplined men increased in power as the fatal minutes passed. Apprehensions grew alarmingly. The hundreds of Indians in the woods were magnified to thousands. Brock must have more men out of sight if he could act as he had with those that were showing. There was no confidence left in poor old, unskilful, hesitating Hull. The surrendered garrison of Michilimackinac were disquieting companions. The British guns across the river were getting the range. A single shell had just killed four officers. Murmurs began to rise on every side, and promised to ripen into mutiny. Hull resolved to surrender, and the white flag was sent out. By noon a capitulation, which included MacArthur and his force, had been arranged, 2000 Americans had marched out, Brock's 700 had marched in, and Tecumseh's 600 had gathered under their respective chiefs, in perfect order, beyond

the precincts. The American armed brig *Adams* was surrendered together with the fort and thirty-three guns. The British triumph was complete.

The Stars and Stripes having been hauled down the Union Jack was run up, mast-head high. A salute was fired from the captured fort, repeated by the battery at Sandwich, and again by the little flagship *Queen Charlotte*, as she sailed between them, carrying the news down to Amherstburg, where, on his midnight arrival, Brock had been challenged from the deck of the *General Hunter* by Lieutenant Rolette, a gallant young French Canadian in the tiny lake-service navy. There were many other French Canadians along this frontier, and they all did their full share against the Americans, afloat and ashore. The Indians were, of course, half mad with delight. But they well deserved Brock's praise of their 'order and steadiness' in his dispatch to Prevost, and of their humane behaviour towards their inveterate enemies in his general orders: 'Two fortifications have already been captured from the enemy without a drop of blood being shed by the hand of an Indian: the instant the enemy submitted his life became sacred.' The two leaders rode into Detroit side by side, and Brock, taking off his sash, gave it to Tecumseh, with a brace of silver-mounted pistols, in token of his admiration. Tecumseh at once unwound his own Indian sash and gave it to Brock, who wore it with his uniform till the day he fell at Queenston. These simple honours were not bestowed before an applauding public, but done on the impulse of the moment, in the far backwoods, by men at that time quite unknown to fame in the great world outside. Yet none were better worth the giving or the taking. For giver and taker alike were really what they looked. Brock —stalwart, energetic, tall, fair-haired and blue-eyed, the perfect type of English gentleman, British officer and great commander—sat erect on a big white charger; Tecumseh —lithe, silent, equally tall; dark, hawk-eyed and panther-limbed—sat pliant to every motion of his nimbler grey native mustang. Each was the idol of his men—the fighting men of fighting races, civilized and savage. Each drew to each, at that exalting moment of their short five days together—

they were so lately met, so soon to part; again so soon to be united by a hero's death.

The fall of Detroit did not quite finish the tale of American defeat in the West. The very day before Hull surrendered, Fort Dearborn (Chicago) had been abandoned and its garrison of sixty-six men attacked on the march, and all either killed, wounded or taken prisoners. The surplus stores had been given to the Indians, who were expected to be friendly in consequence. But, between his love of loot and hatred of Americans, the sight of retreating 'Long Knives' was too much for the red man's blood, and one more massacre was recorded against him. Yet, whatever the merits of a particular case, he always had a standing cause of quarrel with the dispossessing and exterminating whites, and he fought as they had done themselves when they were at his own corresponding stage of social evolution. Brock and the British had nothing to do with this massacre. Quite the contrary: it must be remembered that Brock, in a report to Prevost, mentions how many Indians had to come to Amherstburg for arms, 'which for years had been withheld, agreeably to the instructions received from Sir James Craig and since repeated by Your Excellency.'

On the Niagara Frontier

Brock finished his work at Detroit by issuing a proclamation providing for the government of the whole territory of Michigan. He promised observance of existing civil laws and perfect equality in religion. There was no objection to this action, except that it went beyond the terms of capitulation and beyond the sense of his instructions. He practically annexed Michigan to British North America, which, if excusable as a temporary measure, was certainly unwarrantable in the way he did it.

Within a week of the capitulation he was back on the Niagara frontier, eager to strike again, quickly and hard, before the Americans could get their unwieldy forces ready. But Prevost's armistice stayed his hand, while it gave the enemy full permission to bring men, stores and armaments

into camp without any restriction whatever. It could not have been concluded at a worse time for the British or a better for the Americans. Brock, however, was not the man to waste time in vain regrets. After examining every post on the Niagara in two days he went on to Kingston, inspected the militia and fortifications, and, seeing that the British had command of the lake, applied to Prevost for permission to attack Sackett's Harbour the instant the thwarting armistice was over. Prevost's answer was as characteristically weak and foolish as Brock's proposal was wise and strong. Brock was told not to provoke the enemy, to remain on the defensive, and not to be so ready to take such risks as he had at Detroit. Disgusted but indefatigable he returned to Niagara, where he found that the Americans, having got all they could out of the armistice, had already given notice of its termination.

The Niagara peninsula lies between Lake Erie to the south and Lake Ontario to the north, and is bounded on the east by the Niagara River, which divides it from the United States. It is squarish, about fifty miles on each lake, nearly as much across the inland line between them, and thirty-six along the river. This river and the roads on each side of it formed the main line of communication with all the upper lakes. The river flows from south to north for its whole length of thirty-six miles. For the first twenty it is almost level with the plateau through which it cuts its way. It is everywhere rapid and nowhere fordable; but there are several places where its half-mile width can be crossed by an army in boats. Then come nine miles of rapids, falls and whirlpools, all quite impassable. The final seven miles, from Queenston north to Lake Ontario, are easily navigable, though the current is still swift. The width at Queenston is only two hundred yards. At Fort George it is half a mile across, and three-quarters over to Fort Niagara, which stands nearer the lake. The plateau does not sink with the level of the river till it does so suddenly, on both banks, at right angles to the river, just above Queenston and Lewiston. Here it is 345 feet above the river. It then falls away abruptly to a narrow natural terrace, and this terrace, in its

turn, to the general lower level on both banks, which itself gradually lessens from nearly one hundred feet at Queenston to about twenty-five at Fort George. The headquarters of both armies were established on these last seven miles, partly because they were here in closer touch with the respective bases of supply to the east, but, still more, because whichever army could hold the forts or heights on both sides could cut the other's line completely.

Brock's effective force was very small. He had only 1000 regulars and 1000 militia, with a few Indians, and only half the militia were actually under arms at the front. The rest were at home, trying to save the remains of a bad harvest and keep the people from starving. His total for immediate action was 1700, Indians included. The stores were woefully deficient. Clothing was bad and boots worse. There was no money. He had been obliged to borrow from the inhabitants for his expedition to Detroit. He was now eking out a precarious financial existence on the contents of Hull's military chest and ten thousand dollars doled out by Prevost, who refused to send a single man up from Quebec. But discipline, the traditions of service and a hearty loyalty did wonders under such a leader. The arrival of Hull's soldiers and the sight of them marching along the frontier as prisoners raised the spirits of the men on the British side as much as it depressed the Americans. There were no strong works of defence, but Fort Erie and the armed schooner *Lady Prevost* afforded some protection on the right, and Fort George, with the *Prince Regent* and the *Earl Moira*, much more on the left. The posts were within supporting distances of each other; and there was a good system of signalling, by what was then called the telegraph, really the modern semaphore, all along the frontier and for some distance inland. The main body was at Fort George, and the greatest number of connecting posts lay between it and Queenston.

The day before the battle of Queenston Heights the American adjutant-general, Colonel Solomon Van Rensselaer, reported 5206 men fit for duty at the two main camps of Lewiston and Buffalo. The garrisons of the forts and posts, from lake to lake, and some 300 Indians, made the total

effectives about 7000 strong. The odds were therefore in favour of the Americans as four to one : seven thousand to seventeen hundred. The American general was Stephen Van Rensselaer, practically a civilian and dependent on his cousin the adjutant-general for military advice. He belonged to the New York State party opposed to the war, so his political rival, Governor Tompkins, offered him the command, to put him on the horns of a dilemma. If he refused, he could be denounced as unpatriotic; if he accepted, he would be forced either to fight well or lose political influence by a defeat. Half his men were regulars, but many of these were newly enlisted, and the United States army was without that assimilative atmosphere which is breathed by every recruit in older services with long traditions of instinctive discipline. There was plenty of ' politics in uniform ' all over the camp, especially in the militia, who mostly came from the State of New York and were not directly under the federal government.

The American plan was to use their odds of four to one in making a show of force at Buffalo and other points above the Falls, while the real attacks were delivered against Queenston and Fort George in overwhelming numbers. But General Alexander Smyth at Buffalo was a regular, though with the temper of a demagogue. He was disgusted at being put under Van Rensselaer, and he paid no attention either to the summons for a council of war or to subsequent orders for co-operation. Van Rensselaer then decided to concentrate the best way he could against Queenston only. His men, realizing the disparity of numbers, became clamorous to be led into Canada, especially after Lieutenant Jesse D. Elliott of the navy cut out two British vessels at Fort Erie on October 9. On the 10th a plan was made to land above Queenston at three the next morning ; but the scout-boat overshot the mark, and the officer in charge of it deserted. All day long, on the 11th and 12th, the boats lay at Lewiston in full view, which increased the British suspicion that the real attack was to be made from Four Mile Creek, beyond Fort Niagara, by circling round the lake front and storming Fort George from the rear. Brock had ample warrant for his anxiety about Fort George. He had been locally assured

that no army could climb the heights straight up from the river behind Queenston. He knew the American attempt there on the 11th had proved abortive. The news that the American council of war on the 8th had decided to attack Fort George began to leak out. The enemy looked unusually active over at Fort Niagara. And there were known to be plenty of men and boats waiting at Four Mile Creek, behind Fort Niagara, ready to make the circling attack by the lake.

The Battle of Queenston Heights

On the 12th Van Rensselaer felt he must move at once: 'Such was the pressure on me from all quarters that I became satisfied that my refusal to act might involve me in suspicion and the service in disgrace.' Solomon Van Rensselaer crossed over to Queenston under a flag of truce and spun out the negotiations about sniping and other details till he had taken a good look round. Major Thomas Evans also crossed over to Lewiston from the British side, on the same duty, and noted the American preparations — but were they a feint? The American boatmen were warned. The eighteen-gun battery on the heights above Lewiston was got ready, and orders were given to all available outlying troops to concentrate at the camp that evening. A new road had been cut from Four Mile Creek, so the men marched up from there, under cover, as easily as they came down from Fort Schlosser near the Falls. Altogether there were over 4000 men ready to cross to Queenston, where the actual garrison at the moment was only 300, and where Brock could not concentrate more than 1000 in any case.

A party of 640 picked men were told off to seize the landing-place at three in the morning of the 13th. In fifteen minutes most of the first detachment of 300, under Solomon Van Rensselaer, crossed and landed in safety. As they were forming up they were discovered by a militia sentry, who, it is said, was so scared that he ran back to the guard instead of firing his musket. Captain James Dennis at once turned out his company of the 49th, advanced with a few militia in support, and delivered a splendid volley which wounded Van Rensselaer and put fifty more Americans out of action.

The Lewiston batteries opened fire from twenty-four cannon. The single British gun on the heights and the other at Vrooman's Point, a mile down stream, replied as best they could. A little three-pounder was hurried up to help Dennis, and the infantry engaged on both sides took cover and continued firing. By four o'clock the rest of the American vanguard had crossed and come into action along the Queenston bank. Their dead and wounded had been ferried back to Lewiston, and a boatload that went astray had been taken at Vrooman's Point. But, owing to a variety of mishaps, no senior officer came over, and the command devolved on the young and inexperienced, but capable and heroic, Captain John E. Wool of the 13th United States Infantry. For almost another hour the fight at the top of the landing-place went on. Dennis called the light company of the 49th down from the heights to help his own grenadiers in repulsing an attempt to advance on Queenston. But, though he succeeded, he left the gun on the heights undefended. Lieutenant Gansevoort then told Captain Wool that there was a fisherman's path leading up stream, and that by it the summit could be reached in rear of the heights overlooking the gun. Though wounded twice already, Wool at once started off with two-thirds of his men, leaving the other third to cover the landing. He gained the summit unchallenged, about five o'clock, and turned to his right through the woods on the crest. As he did so Brock galloped into Queenston on his big white charger, splashed with mud from head to foot, and wearing the sash Tecumseh gave him at Detroit.

When Brock lay down in his uniform at midnight, after dispatching orders calling out the rest of the militia in the district, he knew a crisis was coming, and had put his 1700 along the Niagara on the alert against their 7000 enemies. When the roar of the guns woke him at half-past three he still thought he was at the central point of attack, down at Fort George, and that, after a feint against Queenston, the Americans would circle round by the lake and land in rear of him. But at half-past four he saw they were aiming at the heights in earnest, whatever they intended against the fort. He had just given Major-General Roger Hale Sheaffe, his second-

in-command, orders to hold the Americans at Fort Niagara by a bombardment, watch the landings near Fort George, but still be ready for an immediate call to Queenston, when a dragoon galloped in to say the enemy was already there in force. Telling his aides-de-camp and Captain Holcroft with two guns and a party of Indians to follow at once, he sprang into the saddle and raced for the threatened heights. At Field's Point, and again at Brown's, he drew rein for a minute, to order all the militia up, except men enough to work the guns. He then spurred on to Queenston, where he rode up to the light and grenadier companies of his own old regiment, who received him with a loud and hearty cheer. Pausing a moment to acknowledge their greeting and send word for reinforcements from Chippawa, beyond the Falls, he again spurred forward, straight to the single eighteen-pounder on the edge of the terrace overlooking the river.

Here he dismounted and looked round: at the fight just below him, at the river, where several boats were in the act of crossing, at the landing-place and banks on the further side, where 3000 men were drawn up ready to embark, and at the American batteries firing furiously into Queenston as well as against the one gun at Vrooman's and the one beside him. So far he was holding his own. About a hundred prisoners had been taken and sent off to Fort George. There were fewer Americans at the Queenston landing than he expected. And the heights seemed safe. But as he was watching the premature bursting of a shell from his eighteen-pounder, and had turned to advise a longer fuse, he heard a cheer on the crest above him, and saw Wool's blue-coated Americans fire a hurried volley and then come charging down, straight for the gun. Resistance was impossible. The gunner setting the fuse picked up a hammer and drove a spike into the vent. The little party then ran down into Queenston, Brock and his aides-de-camp leading the horses they had no time to mount.

The gallant Wool soon ran up the Stars and Stripes, to the great delight of the 3000 at Lewiston, who cheered lustily and pressed forward to embark. Meanwhile Brock had sent a definite order to Sheaffe to have Fort Niagara bombarded

and to come up with every man at Fort George that could be spared. Then he mounted and galloped over to the inland side of Queenston, where the light company of his own 49th was waiting for him. Sending orders to Dennis and the militia that were to come up from Brown's Point to join him, he led the light company at a run to the foot of the heights. 'Take breath, boys, you 'll need it in a few minutes,' he said, as he reined up and dismounted. Even after Dennis and the militia in Queenston had joined he still had barely 200 men, while only about 100 were left to keep the Americans at the landing-place out of Queenston itself. There was a momentary lull while this tiny British force prepared for attack and defence against greatly superior numbers in both directions. It was now nearly seven ; the rain had ceased ; the clouds were rolling away, and the morning sun was lighting up the russet, gold and crimson foliage of a beautiful Canadian autumn day. Every detail of the landscape, from the still trees on the heights to placid Lake Ontario, stood out distinctly, and, on the calm face of nature, with equal distinctness, all the signs of the fury of man.

Brock sent Williams with part of the light company of the 49th and the militia—more than a third of his total—to work round to the terrace and so take Wool in flank. Wool then faced Williams with double numbers, but was driven in towards the gun. Brock, watching intently, at once sprang up on the stone wall behind which his own party had been waiting, and shouting 'Follow me, boys !' led his hurrahing grenadiers straight for the gun. Wool's outnumbering men now rallied and poured such a fire downhill that even the grenadiers began to flinch. 'This is the first time I ever saw the 49th turn their backs,' exclaimed Brock angrily, and the ranks closed up again. Brock had now nearly 200 in his own party. He rallied and re-formed it, and again made for the gun, round which stood more than 500 Americans. Seeing that Williams had gained a good point of attack on the terrace Brock inclined to his right to join him. Placing himself at the head of his men he ordered them to charge, and fearlessly led them up the difficult slope straight for the enemy.

This was his last order. A moment later he was hit in the wrist, but continued to wave his sword to encourage the men. His tall, energetic figure was very conspicuous, several paces in front of his line, and the bullets rained thickly round him. When he got within fifty yards of the enemy one of their riflemen stepped out of the trees, took deliberate aim, and fired before he could be brought down himself by several grenadiers who tried to anticipate his shot. Brock was hit near the heart, and fell at once. Young Lieutenant Jarvis, who records the tragic incident, rushed to his side with the words, 'Are you hurt, sir?' But Brock, stunned by his deadly wound, made no reply. Other officers and men came forward to carry him off. But before they could raise him from the ground his dauntless spirit had passed away. Under a hot and well-directed fire the British were compelled to retreat; but they succeeded in carrying off their loved commander's remains, and during the remainder of this day of battle his body rested in Queenston village.

Meanwhile the militia from Brown's Point had come up, very much out of breath, and were got ready to be led into action by Colonel John Macdonell, attorney-general of Upper Canada, provincial aide-de-camp to Brock, and gallant as any Glengarry that ever drew sword. About an hour and a half after Brock's fall Macdonell had his force prepared for attack. Under his leadership the men resolutely advanced, knowing that the advantage in both position and numbers was against them. Macdonell spurred his horse to the front and called to the grenadiers to avenge Brock's death. A spirited charge was made against Wool's five hundred, who, being clumped together, soon gave way and retreated uphill to the crest. An American officer waved a white handkerchief on the point of his sword, but Wool snatched it away from him, and resumed the offensive with timely reinforcements which enabled him to outflank Macdonell completely. The few British, exhausted by their uphill fight and pressed by fresh enemies, were trying to re-form once more, when a fatal bullet mortally wounded Macdonell. Dennis, Williams and other officers were wounded at the same time. Wool advanced in overwhelming force, and the British

retreated downhill to the far side of Queenston, whence they fought for hours across Brock's lifeless body.

The American victory seemed to be assured. There were 1600 Americans over or crossing. The remaining 2400 were ready. Additional reinforcements were marching to Lewiston, and a message to Smyth asked him to come down at once from Buffalo to complete the occupation of the Canadian side. A gun and entrenching tools were ferried over. A fortified camp was begun overlooking Queenston. Wadsworth, a brave but unpractised militia brigadier, had waived his rank in favour of Colonel Winfield Scott, an excellent regular and the future commander-in-chief of the United States army. Nothing seemed wanting.

But just at this time Holcroft brought his two guns into action against the ferry, and, in spite of the Americans having two dozen against his two, he soon made a crossing apparently impossible for untrained troops. He was helped to this end by the 200 Indians who now began skirmishing against Scott's left on the heights. Their chief, John Norton, a Scotsman 'gone native,' was a bold and skilful bushman ; and as they pressed in, uttering the most blood-curdling war-whoops, the Americans farthest inland ran back in a panic, which quickly spread to the men at the Lewiston ferry. General Van Rensselaer crossed over, examined the heights, and then crossed back again to bring these faint-hearts to a sense of duty. He was nearly swamped on the way back by the mob of skulkers from the heights, who crowded into his boat in spite of orders and entreaties. These skulkers of course made the panic worse. Van Rensselaer commanded and implored ; but all in vain. John Lovett, his secretary, afterwards described the scene. 'The name of Indian, or the sight of the wounded, or the devil, or something else, petrified them.' Not one regiment, company, or even a single man would move.

Meanwhile Sheaffe had arrived from Fort George, and every available British soldier marched to the battlefield, including the 150 whom Brock had ordered down from Chippawa. Leaving Holcroft and a few infantry to command the ferry, Sheaffe now struck inland to his right, as he

saw Scott preparing to repulse another attack there, and he knew that the Indians still held post on that extreme flank, where he could best form a junction with the Chippawa detachment. He marched two miles diagonally towards St David's, then climbed the heights, faced towards the river, joined the Indians, whom he put on his flanks, incorporated the Chippawa detachment, and advanced in good formation on Scott's exposed left. Scott was doing his best to form a new front, but some more of his men were beginning to slink off to the river, and the rest were not well enough disciplined for a second action in one day. They were chiefly odd detachments, with the rest of their corps hanging back at the ferry; and while some companies were complete others had men without officers or officers without men. Wadsworth ran along the line of his militiamen, putting them in place and exhorting them to stay there. But before any new defences could be hastily thrown up the British came on in splendid order.

Holcroft, seeing the ferry was safe, turned his guns on to Scott's new right with great effect. Norton's Indians charged furiously on this shaken flank at the same time. The Americans wavered. The British fired one deadly volley and then dashed in with the bayonet; and in a moment the whole American line broke up into a stampeded mob of fugitives. During the day 958 were taken prisoners, and 300 were killed or wounded. Many were drowned at this final moment, or before, by the good work of Holcroft's guns. Compared with this total the British loss of 126, all told, was very small; but it occurred mostly among the 400 who fought at first in presence of, if not against, a hostile army of 4000. And it included the death of Brock, which, by itself, equalled the loss of a whole campaign.

Sheaffe never did anything else worth doing. He immediately agreed to a Prevost-like armistice, and so gave the Americans a chance to survive even the command of the egregious Smyth, who succeeded Van Rensselaer. Smyth was utterly incompetent. He issued bombastic proclamations. He sent over advanced guards that failed at Red House and Frenchman's Creek, though there was a stiff

fight with nearly one hundred British casualties; and he paraded thousands along his own shore against hundreds on the British without making any attempt to land in force. His disgusted army fired off their muskets in every direction and broke up in wild confusion. After his last fiasco on December 1 near Fort Erie, the American government very wisely dismissed him from the army he disgraced.

V

THE CAMPAIGN OF 1813

A Year of Complex Operations

THE British naval record of the campaign of 1813 is brightened by the victory of the *Shannon*, won on June 1, a date since then doubly 'glorious' in the annals of the sea. But the exultation with which the news was received in England and Canada was, in itself, an acknowledgment of American prowess, though this famous duel had no more decisive effect on the general course of the war than any or all of the duels won by the Americans. Besides, the same advantages which had made Americans victorious in the same sort of action were now operating on the British side. Broke was a model captain; he had commanded the *Shannon* for seven years, and her crew was trained to perfection. Captain James Lawrence was an excellent officer and the *Chesapeake* an excellent frigate, quite equal to the *Shannon* in all points of mere material; but there was a marked difference in the personnel. The American ship had fifty more men, but a greatly inferior crew. They were mostly good seamen, but, having been brought together hastily, they lacked the combined training and corporate discipline which gave the 'Shannons' such a decisive victory within one deadly quarter of an hour.

The really effective work of the British navy in 1813 was the gradual strangling of American sea-borne trade, which almost died out completely in 1814, under the ever-tightening pressure of the coils.

The land campaign was as sprawling and sporadic as

THE 'SHANNON' AND THE 'CHESAPEAKE' IN ACTION

Painted by G. Webster under the direction of Lieut. Falkner of the 'Shannon'

before. The Americans had a general plan, but their makeshift armies could not work it out. It provided for a concentration of 4000 men at Sackett's Harbour and 3000 at Buffalo. The Sackett's Harbour army was to take Kingston as soon as navigation opened, then York, and then co-operate with the Buffalo army in taking the whole Niagara peninsula. Meanwhile new armies were to be formed at Plattsburg for an invasion on a much greater scale against Montreal; Lake Champlain was to be a naval as well as a military base; Chauncey was to command the whole of Lake Ontario; Lake Erie was to be commanded by a flotilla working in conjunction both with him and the armies on the Niagara; and General W. H. Harrison, the hero of Tippecanoe, was to retrieve Hull's disasters in the west.

This would have been complicated enough, if it had ever been carried out. But what actually happened was very much more complicated still; so complicated, and so much confused by overlapping dates and areas, that it cannot be made clear except in bold outline or the most elaborate particulars.

The general outlines were marked by the following salient movements:—(1) *Successful British attack in the West.* Procter and Winchester. British victory at Frenchtown on the au Raisin River on January 22. (2) *Abortive British attack in the West.* Procter and Harrison. British failures before Fort Meigs on May 9 and Fort Stephenson on August 2. (3) *Successful American attacks on Lake Ontario.* The Americans take York on April 27 and Fort George on May 27, and repulse Prevost at Sackett's Harbour on May 29. (4) *Successful British counter-attacks on the Niagara Peninsula.* British win victories at Stoney Creek on June 5, Beaver Dam on June 24, and Black Rock, near Buffalo, on July 11. (5) *Successful American counter-attacks in the West.* British naval force annihilated on Lake Erie on September 10. British military force annihilated on the Thames on October 5. (6) *Abortive American attack on the Montreal frontier.* Americans beaten at Châteauguay on October 26, and at Chrystler's Farm on November 11. (7) *Successful British attacks along the whole Niagara frontier* in December.

Varied Fortunes on the Lakes

(1) *Successful British attack in the West.*—In September 1812 Procter, who succeeded Brock at Detroit, had sent an abortive expedition against Fort Wayne, which was found too strong to attack. In January Harrison prepared to advance against Detroit and Amherstburg. Half his army moved from the Maumee under General James Winchester, who detached Colonel Lewis with a strong force to drive the Canadians and Indians out of Frenchtown on the au Raisin River. Winchester then moved up with 1000 Americans, while Procter crossed on the ice to Brownstown with 1000 men—half whites, half Indians—and turned south on the 21st. Next morning at daylight Procter attacked the Americans in force, outflanked them with his Indians, and defeated them with a loss of 182 whites and 100 Indians on his own side, and over 400 killed and wounded on theirs. Very few Americans escaped, Winchester, Lewis and 500 others being taken prisoners

(2) *Abortive British attack in the West.*—Harrison now reorganized his army, built Fort Meigs at the Maumee Rapids, held it with 1300 men, and had a reinforcement of equal strength coming down the river under Brigadier-General Green Clay. On April 23 Procter left Amherstburg with 1000 whites, and 1200 Indians under Tecumseh. There was heavy though indecisive fighting in May, when the American reinforcements arrived ; but as the Indians began to drift off, and Harrison's whites outnumbered Procter's and fought under cover of a good fort, the British broke camp and retired baffled on the 9th. In July Procter received some reinforcements of the 41st regiment and his Indians gathered again ; so he once more tried to prevent invasion by attacking Harrison's base. As Fort Meigs appeared to be too strong he turned against Fort Stephenson at Lower Sandusky. He had only 400 whites, mostly men of the 41st, and 200 Indians, while Major George Croghan at Fort Stephenson had only 160 men, all regulars, and one gun. Procter's artillery was too light to make a breach. Croghan was a first-rate officer and used his gun with deadly effect

against Procter's storming party; and the British finally retreated with a loss of 100 killed and wounded.

(3) *Successful American attacks on Lake Ontario.*—Prevost went up to Kingston at the end of February, and, on his way through Prescott, gave a reluctant and conditional permission to Lieutenant-Colonel George Macdonell of the Glengarries to attack Ogdensburg. The attack was pressed home with persistence and gallantry, and Ogdensburg was taken. The barracks and four armed vessels were burnt, seventy prisoners, eleven guns and some military stores were taken, and security was given to the Canadian frontier, at a cost of sixty casualties. Dearborn and Chauncey were to have more than offset this by taking Kingston; but Dearborn imagined such a powerful garrison there that he never made the attempt. On April 25 he sailed for York (Toronto), a village of less than a thousand inhabitants, though the capital of Upper Canada. Sheaffe was here, both as acting lieutenant-governor and commander-in-chief, but he made no adequate preparations. His whole force was only 600, and the Americans effected an easy landing with 1700, under cover of Chauncey's fleet, which found nothing afloat to oppose it. There was some hard fighting, and the British suffered a total loss of 200 casualties. The Americans forced their way in, burnt the parliament buildings, and took 300 prisoners. But they lost about 300 men in action, 200 of whom were killed or wounded by the explosion of a powder magazine. They then left, not making any attempt to hold the place, apparently satisfied with having cut the British line of communication to the west. Sheaffe was at once replaced by General de Rottenburg, and thenceforth disappeared from the scene.

On May 27, just a month after taking York, Chauncey and Dearborn attacked Fort George. Captain Oliver Hazard Perry, soon to become deservedly famous as the hero of the battle of Lake Erie, took charge of the boat work, which was admirably done. The Americans had Fort Niagara, their fleet, and an outnumbering army; and all worked well together. Major-General John Vincent at Fort George could only defend himself directly from Fort Niagara or the river in front of or above him. The village of Newark stood

between him and Mississauga Point, which was the only clear defensive ground facing the lake ; and this low, flat, open point soon became perfectly untenable when swept by a furious cross-fire from both the lake and the mouth of the river. Over 3000 Americans landed and advanced against 1500 British, who fought stubbornly and lost heavily, but who had either to retire or lose touch with the lake altogether, when the Americans, who had absolute control of the water, threatened to cut them off from Burlington Heights, near Hamilton, the rallying-point Vincent had previously decided to hold. Finding small reinforcements as he retired he reached Burlington on the 29th with 1600 men. Here he was half-way between York and Niagara, in possible touch with Procter, and beside a bay that was a suitable rendezvous for the British fleet.

Meanwhile, on this same day, May 29, the fleet was busy at the other end of the lake, trying to help Prevost to take Sackett's Harbour in Chauncey's and Dearborn's absence. Sir James Yeo had arrived to take charge of the lake flotillas, with headquarters at Kingston. He was a good officer and only thirty, but he had lamentably insufficient means for victory. However, his first expedition promised well. It sailed on the 27th and arrived at Sackett's Harbour next day with 750 regulars on board under Colonel Edward Baynes, Prevost's adjutant-general.

Baynes was said to be the son of a hospital mate at Gibraltar, to be not over-scrupulous, to be an adept at doing the dirty work that others would not touch, and to like Prevost's truces because they made him important and filled his pockets. This was the gossip about him. It appears to have had a good deal of truth in it. He certainly cannot be credited with one good stroke of work, from first to last. He had all Prevost's faults, without any of his virtues. Prevost had given him command of the troops, though he himself was present as commander-in-chief by land and water. This is always a weak way to lead a force to victory ; and neither Baynes nor Prevost was the man to lead a force to victory in any case. Baynes's 750 landed in the early morning, and at once scattered 500 raw militia like a flock of

sheep. They then advanced on Fort Tompkins and burnt the barracks, while the Americans began to burn their own stores and Chauncey's new ship. Baynes then found the fort too strong, and Prevost ordered a retreat, in which he lost 250 men. The American regulars were also 750 strong, under a good officer, Major-General Jacob Brown, who afterwards did well at Niagara. But if the Americans were giving up the contest, why was the attack not pressed well home? And if the British force was really too weak, why was the attack made at all?

Stoney Creek and Beaver Dam

(4) *Successful British counter-attack on the Niagara peninsula.*—Fortunately for Canada there was only one Prevost and only one Baynes. When the beaten British turned at bay on Burlington Heights, after losing 500 of their small army, as compared with the American loss of 150 from more than double their number, they had Vincent for their commander and Colonel John Harvey for adjutant-general. Dearborn's 3000 had shown less vigour in pursuit than attack. Their object was to cut the line between Vincent and Procter, by driving Vincent away from Burlington, where he was at the extreme end of the heights that ran continuously from Queenston. But it was June 5 before they drove in his outposts at Stoney Creek. Here they camped along the top of a zigzag bank, about fifteen or twenty feet high and very steep. Their left touched the heights; their right rested on the swamp beside the lake. They seemed so safe that they took little precaution against surprise, as Colonel Harvey found out by a clever reconnaissance.

At half-past eleven that dark night Harvey started with 704 men of the 8th and 49th regiments. When he was forming for the rush, at 300 yards from the enemy, some of his men began cheering and firing. The Americans returned the fire, and would soon have made their numbers and position tell, had not Major Plenderleath of the 49th led a handful of men straight at their guns, which were just going to open in the centre. This bold dash engaged their attention and breached their line long enough to let Harvey charge in good

order. There was wild work with the bayonet. The Americans gave way in front, ran into their supports, fell into confusion, and lost 100 killed and wounded, besides 100 prisoners, among whom were both their generals, Chandler and Winder. Harvey lost twice as many killed and wounded, though only half as many prisoners; but he disentangled his remaining 450 before they were engulfed by six times their number, and his well-planned attack fully attained its object. The defeated British regained confidence; the victorious Americans lost it. They retired next day to Forty Mile Creek, where the British flotilla under Yeo hove in sight the day after. At the same time Indians reappeared on their inner flank, and Vincent received some reinforcements in their front. They then retired to Twenty Mile Creek, and their main body soon withdrew to Fort George.

The Niagara frontier was still unequally divided between the opposing armies. The Americans held the line of the river round Fort George as well as the whole of their own side. But Vincent's posts were pushed well forward. His vanguard, under Colonel Cecil Bisshopp, was near Jordan, on Twenty Mile Creek. One outpost of it, under Major de Haren, was near St Catharine's, between Twelve and Ten Mile Creeks. Another, under Lieutenant James FitzGibbon, was near Beaver Dam on the inland road, not far from Thorold. Bisshopp and de Haren were both on the lake front, FitzGibbon on the plateau just beyond the heights which ran all the way from Burlington to Queenston. FitzGibbon was the best scout among the regulars, and had trained fifty men of his own regiment, Brock's 49th, who were detached for special service under his command. They were mostly Erse-speaking Irish, like himself, and men who were better on battlefields than in barracks. FitzGibbon's post was very much in the way of the Americans, and they decided to dislodge him. Colonel Boerstler and 600 men were told off for the duty on June 23, and marched into Queenston, where they spent the night.

Here they were overheard by Laura Secord, wife of a devoted loyalist who was still helpless from wounds received when he fought in the Lincoln militia under Brock at Queens-

ton Heights the year before She was thirty-seven, the mother of five young children, with a sick husband, surrounded by enemies, and separated by miles of woodland from FitzGibbon. Yet she at once set out to warn him. Passing the sentries with a milk-pail on her arm she drove her cow behind a bush, put the pail down, and started to walk more than twenty miles by roundabout ways, ankle-deep in mud, and under the burning sun that had succeeded torrential rains. After walking all day she crossed a swollen creek on the trunk of a tree in the dark, and found herself among a hundred war-painted Indians, who sprang to their feet with piercing yells. With much difficulty she persuaded a chief to go with her to FitzGibbon, who had already had an inkling from the Indian scouts. At daylight 250 Indians, under John Brant and Captain Kerr, from the Mohawk reserve, and a French Canadian called Ducharme, lay in ambush in the beechwoods, which were intersected by ravines. Boerstler's 600 Americans were soon caught in the invisible net and harried by persistent firing all round. They lost their formation and became thoroughly bewildered. Boerstler and many officers were wounded. The number of their enemies had now increased to about 400. Some Canadians, working on their farms, turned out under Major Secord, Laura Secord's father-in-law and an original United Empire Loyalist. An officer galloped off with news to de Haren. Lieutenant-Colonel Thomas Clark arrived with some of the 2nd Lincoln militia. FitzGibbon rode up in advance of his men and summoned Boerstler to surrender, using de Haren's name. Fighting was still continued. But, on a second summons, Boerstler gave in, and surrendered 540 officers and men, nearly all regulars, with two guns and the colours of the 14th United States Infantry. De Haren then came up with 200 regulars and took charge of the prisoners. Not one white man was lost on the British side. It was an Indians' battle, completed by FitzGibbon's daring bluff. The Indian loss was 15 killed and 25 wounded.

The British now advanced, cooped up the Americans in Newark and Fort George, and carried the war across the Niagara above the Falls. They surprised an outpost at

Fort Schlosser on July 5. On the 11th Colonel Bisshopp, a most enterprising young officer, made a dash on Black Rock with 240 men, took the batteries, scattered the garrison, burnt the barracks, blockhouses and a ship, destroyed four guns, and then retired with four others, under a heavy counter-attack by large reinforcements, triumphant but mortally hit.

The Battle of Lake Erie

(5) *Successful American counter-attacks in the West.*—After Procter's failures against the American forts Harrison and Perry determined to strike back. Perry was a splendid naval officer, a fine seaman, a cool but inspiring leader, and only twenty-eight years old. He had troubles in plenty, especially from the newly raised Pennsylvanian militia, sent for duty as a harbour guard. 'I tell the boys to go,' said the worthless colonel of a worthless corps, 'but the boys won't go.' Yet, after incredible exertions, Perry overcame all obstacles, built a flotilla, manned it partly with regular soldiers when he ran short of sailors, lightened it over an exceedingly difficult bar, and so got command of Lake Erie on August 4, two days after Procter had been repulsed at Fort Stephenson. The British now had either to fight or starve. Thousands of Indians—men, women and children—were swarming round Procter's camp and clamouring to be fed. But Captain Robert Heriot Barclay of the navy, who, perhaps through no fault of his own, had not attacked Perry's helpless vessels as they were crossing the bar at Presqu'Ile without their guns, could not fight now till his new flagship, the *Detroit*, was ready. Prevost, however, made no allowance for this. Yeo had taken two schooners from Chauncey on the 10th, and so Prevost, arguing from a false analogy, wrote to Procter on the 22nd, 'Yeo's experience should convince Barclay that he has only to dare and he will be successful.' Barclay, a man of only thirty-two and of surpassing courage, a man who had learnt his work under Nelson at Trafalgar and had lost an arm in a subsequent engagement with a French frigate, had nothing to learn from Prevost. But Prevost's suggestion rankled now, as another similar suggestion did later in Downie's heart at Plattsburg.

Prevost himself conveniently forgot it when, wise after the event, he condemned Barclay for being hasty. But it was remembered at the time.

Taken all round, the odds were about three against two, in favour of the Americans, who also had a large proportion of landsmen on board. But no ship ever went into action with such a heterogeneous battery as the nineteen guns raked up for the *Detroit* at Amherstburg. The fight was desperate from the start. The *Lawrence*, Perry's flagship, struck to Barclay's *Detroit* after losing 83 men out of a complement of 142. But Perry had already shifted his flag to the *Niagara*, which had hitherto remained out of close range. When he came back he soon forced the *Detroit* to strike, and then, the rest of the British flotilla having been hopelessly smashed, the whole surrendered. There were only about 1000 men in action, and only 15 little vessels, 9 American and 6 British. But there were 258 casualties, 123 American and 135 British. And the result, within the area affected, was absolute.

The water being closed to him, Procter saw himself entirely cut off from food and reinforcements. He had no alternative but to retreat as fast as possible. Yet, though the battle of Lake Erie was fought on September 10, he was only at Moravian Town, a hundred miles away, on October 5, twenty-five days later. He had immense difficulties. But he had no choice of action; and he delayed. Harrison pressed on in pursuit. In his dispatch of October 22 he reported that he was leaving Sandwich with 3500 men. Procter kept losing both whites and Indians by the way, till, on the fatal 5th, he was reduced to 1000, all told, half of each. These few were ill-fed, ill-led, harassed, despondent and prepared for defeat; while Harrison's men were equally prepared for victory. Procter's position was well chosen, with the Thames on his left and a swamp on his right, 500 men in the centre, and 500 Indians under Tecumseh on the flanks. But the centre was so thin a line that Harrison's cavalry rode it down, whereupon nearly the whole of it surrendered. The Indians fought longer and better; but when Tecumseh fell they soon gave way, and the American victory was complete.

The British positions at Michilimackinac and in the

Niagara peninsula at once became extremely critical. But Harrison's militia went home, and no further combined naval and military effort was made against either one or the other. When the first news of Procter's disaster reached him Prevost ordered Vincent to retire from Burlington Heights, thus losing the only westward point of support still left. But Vincent held his ground, and, by so doing, prepared the way for a reconquest two months later.

Châteauguay and Chrystler's Farm

(6) *Abortive American attack on the Montreal frontier.*— Armstrong, the new American secretary of War, had some idea of strategy. He disapproved of further efforts against Niagara. 'It but wounds the tail of the lion. . . . Kingston is the great depot of his resources,' therefore Kingston ought to be 'the first and great object of the campaign.' But he very sensibly proposed that the axe should be laid as near the root of the tree as possible, and that Montreal should be made the real objective for a combined converging attack by two armies, one based on Sackett's Harbour and the other on Lake Champlain. Unfortunately for the success of this scheme, however, the Americans had not yet lost their absurd belief in new, undisciplined militia and old, incapable commanders. Dearborn was superseded by General James Wilkinson at Sackett's Harbour, and General Wade Hampton took command on Lake Champlain. Hampton resented being under Wilkinson. Wilkinson resented Hampton's independence. So Armstrong wrote to Wilkinson: 'General Hampton will go through the campaign cordially and vigorously, but will resign at the end of it.' Wilkinson arrived at Sackett's Harbour on August 20, went on a futile errand to Niagara; then returned, conferred with Chauncey, and expected Hampton to be ready at Plattsburg on September 20. But it was November 5 before he was himself under way for the proposed point of junction at St Regis.

Meanwhile there had been a successful British naval and military raid on Lake Champlain during the summer under Captain Everard and Colonel John Murray. Thomas Macdonough, the victorious American commodore at Platts-

burg next year, was unable to stop it. But on August 9 he reported that he had tried unsuccessfully to bring Everard to action. The lake being clear, Hampton crossed from Burlington to Plattsburg with 4500 regulars and an increasing force of militia. On September 20, the day Wilkinson expected him to leave Plattsburg, he surprised the Canadian outpost at Odelltown, near the frontier. But there his energy spent itself. Instead of pressing on with his overwhelming numbers to the St Lawrence, holding an advanced position there, and sending word to Wilkinson, he retired, wasted time, and finally advanced north-easterly towards St Regis. Colonel Clark was detached to keep the British occupied at the head of Lake Champlain, where he attacked the village of Mississquoi, taking many prisoners, on October 12.

At this time Hampton was concentrating about 7000 men round the Four Corners of Châteauguay, where the road from Lake Champlain passed on to the Salmon River and St Regis, and whence two roads, which afterwards united, led north to Old Châteauguay, opposite the Island of Montreal. Here he was still on the American side of the line, but very close to the Canadian, where all his movements were being watched by de Salaberry, the indefatigable commander of the Voltigeurs, a regiment of French Canadians permanently embodied as regulars during the war. By the 25th Hampton had established communications westward as far as Ogdensburg, to get into touch with Wilkinson, and was advancing along the Châteauguay River to drive de Salaberry back. His plan for the 26th was to send a column along the south bank to seize the ford in de Salaberry's rear, while the main body attacked in front, along the north bank. Just after Purdy's south column had moved off overnight, news arrived that Wilkinson could not get down to St Regis at the appointed time. This made Hampton hesitate. But Purdy had gone too far to be recalled, and next morning General Izard advanced slowly with the main body, waiting for Purdy's attack to develop. Hampton's total present was over 5000, and he had both cavalry and artillery in small proportions. De Salaberry had 300 French-Canadian regulars actually with him, and 200 Indians in the woods. Macdonell

of Glengarry, after a splendid forced march from Kingston, had just arrived with 600 French-Canadian militia, who were mostly kept in reserve.

About two o'clock Izard heard firing to the south, and pushed on rapidly till his front was stopped short by a breastwork of trees lined by de Salaberry's men. While he stood irresolute, waiting for additional news of Purdy, Purdy, after a long and bewildering march, had advanced again, and was now much farther down along the south bank than Izard was along the north. Consequently, so long as de Salaberry could hold back Izard he could take Purdy in flank with his unengaged troops, all the way between his front and the ford towards which Purdy was marching. The field of action favoured the defence, as it was narrowed to about a quarter of a mile, in the middle of which flowed the river, and on each side of which was bush or swamp. The Canadians in rear of de Salaberry now formed line facing the river, along the south side of which Purdy's column of 1500 men was slowly struggling against small bodies, who were fighting a delaying action against his narrow front. When he had driven them in on the ford, which was strongly held, his whole long flank lay exposed to the destructive fire now opened upon it from across the river. Izard made an effort to push on and drive in de Salaberry's original front. But he could not deploy, and the Indians now attacked his own column on its long left flank, while de Salaberry held its narrow front in check, and all the Canadians in rear of de Salaberry continued firing into Purdy's flank. De Salaberry had made his bugler sound the advance, as a signal to Macdonell to line the river. Macdonell had answered, and every British bugle had taken up the call, back to the farthest reserves beyond the ford. Then the Indians on Izard's left raised their war-whoop. So that bugle-calls and war-whoops were resounding from the river and the woods along a flanking distance of over three miles, though they all came from only a thousand men. Purdy found himself out of touch with Izard, and suffering casualties under which his straggling column began to melt away. He turned to retire ; his men began to run, and as they came abreast of where de Sala-

CHARLES DE SALABERRY

From a portrait in the Dominion Archives

berry's and Izard's fronts were facing each other Izard's men also turned and fell back. The battle was won. It was a notable victory ; notable for the disparity of numbers, the Americans being five to one ; notable as one of the two actions that helped to break up the American invasion of Montreal : and still more notable as a French-Canadian victory.

Ten days after Châteauguay Wilkinson started down the St Lawrence to effect the junction with Hampton that proved to be quite as abortive in the field of strategy as the junction between Hampton's two columns had been already in the field of tactics. A British force from Kingston followed on his heels. It was under Captain Mulcaster of the navy and Lieutenant-Colonel Morrison of the 89th. Some of Brock's 49th were also there, and gallant Harvey, the hero of Stoney Creek. Mulcaster kept abreast of Morrison's advance on land with his protecting gunboats and column of supply craft. The entire British force was barely 1000 combatants, 800 of whom were soldiers. Wilkinson had been delayed in front by the dauntless Dennis of the 49th, the first man to begin the fight at Queenston the year before. Dennis handled some militia with great skill, broke all the bridges in front of the Americans, and gained time for the removal of stores from Cornwall, opposite St Regis. On the 10th Morrison got in touch with the American rearguard. On the 11th, when Wilkinson was preparing to run the nine-mile Long Sault Rapids, between Chrystler's Farm and Cornwall, Mulcaster opened fire on his boats while Morrison closed in on the rearguard of his army. General Boyd turned and attacked with 1600 Americans, including 300 dragoons, twice Morrison's force. Two hundred American artillery came up during the action and 600 infantry after the issue had been decided.

Morrison chose his ground well. His right was on the river, his left on the woods. The seven hundred yards between were mostly flat, with a few low under-features and two small creeks. His line, with three field-guns in it, was well placed to enable the wings and centre to afford each other mutual support. A company of French-Canadian Voltigeurs and a

few Indians took cover in the woods. Boyd came on in three columns, attacked the left, and was repulsed. He then threw his weight against the right, trying to drive it in on the centre and so break its connection with the river. The 49th made a counter-charge for one of the enemy's guns, but were stopped short by the American dragoons, who worked round their right, alongside the river. As the 49th fell back to their place in the right centre three companies of the 89th, who had taken post nearest the river, came forward, drove off the dragoons, charged the gun, and took it. Boyd was now, in his turn, cut off on his river flank. He retired his infantry and embarked them at once, under cover of the cavalry and artillery, who retreated by land. The casualties were about 200 on the British side and 300 on the American, not including 100 prisoners. It was a well-fought action, showing skilful tactics on the British side. It was also a very remarkable action for the diversity of the men composing that side. In the single thousand combatants there were representatives of the royal navy, provincial marine, imperial army, Canadian regulars, Canadian militia and Indians; and among the Canadians were the French-speaking voltigeurs fighting shoulder to shoulder with English-speaking United Empire Loyalists on a field of battle in Upper Canada.

Meanwhile Hampton had gone back to his old ground at the Four Corners, just across the line, where, on the 7th, he received Wilkinson's proposal for an immediate junction at St Regis. Had the junction been effected there would have been nearly 10,000 Americans within striking distance of Montreal. But the raw militia were sickly, despondent and deserting. The regulars were sickly too. Food and medical attendance were scarce, the season was far advanced, and each general was depending on the other for supplies which neither could provide. The very day that Chrystler's Farm was fought Hampton marched back to Lake Champlain. The next day Wilkinson got Hampton's dispatch and wrote two furious replies, one to Hampton, the other to Armstrong. He then crossed to St Regis and went into winter quarters at French Mills on the Salmon River.

Operations along the Niagara River

(7) *Successful British attacks along the whole Niagara frontier.*—A militia brigadier-general called McClure was at Fort George in November, keeping a vigilant eye on what he and Harrison called 'disaffected' Canadians, and making full use of 'the zeal, ability and local knowledge' of the notorious Colonel Willcocks, a Canadian renegade who had been false to his oath as a member of the legislature of Upper Canada, and who was now guiding McClure's disorderly militia in raiding every loyalist family they could lay their hands on. Vincent was still at Burlington Heights, in spite of Prevost's timorous advice, and from here was pushing his outposts forward as he began to get reinforcements. Colonel Murray, the head of the summer raid against the American base on Lake Champlain, was in charge of these outposts, which advanced till McClure retired into Fort George. But even Fort George became insecure as the American militia grew weary of service. So McClure decided to abandon it and cross over to his own side again; but, before doing so, he told the inhabitants of Newark to turn out of their homes because he was going to burn the whole place. His notice was given at dusk on December 10, and that same night four hundred women and children stood homeless in the snow and bitter cold.

Retribution followed swiftly. The American authorities disavowed McClure and took away his commission, and Drummond, the new British general, began to strike back within a week. Gordon Drummond had been born at Quebec about forty years before, while his father was in garrison there. He was every inch a soldier, a fair tactician and strategist, and as good a leader as a man can be without the native gift of genius. He was sworn in as lieutenant-governor at York on December 13, and four days later approved Murray's plan for attacking Fort Niagara on the night of the 18th. Six hundred men, mostly of the 100th regiment, were ferried over and landed between three and four in the morning. The surprise was complete. The main gate was rushed when it was opened for the change of guard.

Splendid work was done with the bayonet as the garrison ran to their alarm-posts. And in fifteen minutes the fort surrendered with a loss of 65 killed and over 300 prisoners. Fort Niagara remained in British hands for the rest of the war. Drummond followed up his success at once. The next day Major-General Phineas Riall, his second-in-command, burnt Lewiston and destroyed Fort Schlosser. On the 29th he landed near Black Rock at midnight, surprised an outpost, seized a bridge, and held his ground against counter-attacks till daylight, when, being reinforced, he took Black Rock, drove the Americans out of Buffalo, and then burnt both places to the ground. Returning along the American side he levelled every inch of cover, and only withdrew after making the whole hostile frontier a blackened waste from lake to lake. Prevost then issued a general order meant to let the American government know that the choice rested entirely with them whether or not such reprisals would have to be undertaken in the future.

VI

THE FINAL CAMPAIGN

Minor Engagements

THE final campaign was marked by three great outstanding features :—(1) *Successful defence of the Canadian frontier*, with victories at Michilimackinac on August 4, La Colle on March 30, and Lundy's Lane on July 25, while the Americans were victorious at Chippawa on July 5 and Fort Erie on August 15. (2) *Disastrous failure of the British counter-invasion*, with defeats at Plattsburg on September 11 and New Orleans on January 8, 1815. (3) *Omnipotent British command of the sea*, with British landing-party victory at Bladensburg on August 24 and practical annihilation of American sea-borne trade.

(1) *Successful defence of the Canadian frontier.*—Harrison intended to retake Michilimackinac in 1813; but it was only in 1814 that the attempt was made. This far-away little outpost of British power was quite cut off from Canada

except by two very roundabout lines. The first was by the Ottawa and Lake Nipissing, the second overland from York to the Nottawasaga, which flows into Georgian Bay. Before the winter was over reinforcements were on their way along this toilsome overland route. By April Colonel McDouall of the Glengarries started from the little depot on the Nottawasaga with 90 men, mostly of the Newfoundland regiment, reached Michilimackinac on May 18, and took command. He soon sent Lieutenant-Colonel W. McKay to attack the Americans at Prairie des Chiens on the upper Mississippi. The fort there was taken on July 19. Meanwhile the Americans struck back by sending Croghan, the hero of Fort Stephenson, with 700 men and five vessels from the Lake Erie flotilla, to take Michilimackinac itself. But McDouall with only 200 men marched boldly out to the attack and beat them off after a good fight. The Americans then blew up the blockhouse and schooner at the Nottawasaga. But Lieutenant Worsley of the navy escaped, made his way to Michilimackinac, and, on September 3 and 6, completely turned the tables on them by boarding their own schooners, the *Tigress* and *Scorpion*, off St Joseph's Island. Thus the first place taken in the war was kept in the last campaign and held till the peace.

There were other attacks and counter-attacks elsewhere. On March 29 Wilkinson started across the Montreal frontier with 4000 men. Next day he attacked the fortified mill and blockhouse at La Colle, and very nearly took them. But the attack was not pressed home with fresh troops. The British just managed to hold their own till dark, and the Americans fell back and eventually retired to Plattsburg. A counter-attack was then attempted by Captain Pring with a small flotilla on Lake Champlain, but Prevost gave him no landing party. Macdonough, the American commodore, was left strengthening his squadron, and the whole expedition was a failure. About the same time, the middle of May, Colonel Campbell took 500 Americans across Lake Erie to loot and burn Port Dover, in which wanton acts he was entirely successful. A few days earlier, on May 6, Yeo and Drummond took and destroyed the forts at Oswego, with

100 casualties, after a stiff resistance. At the end of the month 200 British bluejackets and marines were ambushed and all either killed, wounded or taken prisoners at Sandy Creek in the same neighbourhood. Prevost also did his best during this month to patch up another armistice by sending the sycophantic Baynes to Champlain to treat with an American agent. But the negotiations came to nothing, and were strongly condemned by Drummond, by Yeo, and by the imperial government.

American Attack on Niagara

These were minor affairs in themselves, though they might have led towards greater results under different circumstances. The major problem was the defence of the Niagara peninsula, now once more to be attacked by superior numbers, but this time exposed on every one of its four sides. The whole of its perimeter of 180 miles was exposed: in front along the Niagara, on the right to Lake Erie, on the left to Lake Ontario, where Chauncey now held the superiority over Yeo, and in rear along the inland line between these hostile lakes. Drummond's difficulties had grown as his own strength decreased and the American increased. Owing to the trouble of getting food in any other way he had been forced to recur to martial law, unpopular as that had proved under de Rottenburg, his predecessor. Men were as hard to get as food. The militia had to do their spring farm work if they lived in the country, and rebuild their ruined houses if they lived in towns. The British numbers seemed utterly inadequate to protect so great an area. But Drummond did the best he could. Fort Niagara had 800 men, Fort George 1000, Queenston 300, Chippawa 500, Long Point on Lake Erie 300, Burlington 400, and York 1000, a total of 4300. Drummond had to leave for Kingston, and Riall took command. The American general, Brown, had only a few hundred more actually with him when he crossed just below Fort Erie on July 3. But his own frontier was safe behind him, his men were all concentrated in one efficient striking force, he had the initiative, and he knew that, after all the weeding out of the unfit and careful training of the fit

which had been going on for months, he could strike with a new army instead of the old armed mob.

Fort Erie surrendered the same day with 137 men. The Americans at once began to strengthen it, and soon made it a very formidable defence, as the British found out to their cost later on. Brown himself advanced to Street's Creek and camped there on the 4th. Meanwhile Riall collected his forces and advanced to meet Brown. On the 5th he received a reinforcement of 400 men of the 8th Foot, and immediately crossed the Chippawa River to attack. The battlefield was the flat ground between this river and Street's Creek. The outer flank was on the Niagara ; the inner, as usual, on the woods. The British had 1500 regulars, 300 militia and 300 Indians—total 2100. The Americans comprised the whole of Brown's army, and numbered 4500 fit for duty. They also had the advantage of position ; their right rested on buildings, and a small ravine ran along their front. Nevertheless Riall marched straight into action, regardless of the enemy's superior force. And the first contact encouraged him to commit himself further. His militia and Indians, supported by a few regulars, scattered the American militia like chaff, in quite the established way. But when the British regulars tried to dislodge twice their number of American regulars by a direct frontal attack, the whole aspect of the fight was changed. The Americans deployed into line with splendid precision, fired steadily and under perfect control, and were well handled by Winfield Scott at the point of closest contact. The 1500 British regulars rallied and came back to the assault with the utmost gallantry and in the best of order. But the tremendous American fire was not to be withstood. There were a good many casualties on the American side ; but there were over 500 among the British, who lost a quarter of their total in killed and wounded, as compared with the American one-tenth, out of a total two-and-a-half times as great. Riall called off his men, who re-formed at once and retired in excellent order into their lines at Chippawa. The Americans, though completely victorious, did not pursue.

Two days later, on the 7th, Brown crossed the Chippawa some distance up, and Riall, being outflanked, had to retreat,

first to Queenston and then to Fort George. Brown reached Queenston on the 9th, and Riall shortly after began retreating still further, till on the 14th he got into touch with the force at Burlington Heights. A British fort had been built on the site of an old one at Point Mississauga, where Vincent had been defeated on May 27, 1813, by Chauncey and Dearborn. And this fort, with Forts George and Niagara, was left in command of Colonel Tucker, whose orders were to defend all three to the very last extremity. Brown had force enough to justify an attack, but he rightly preferred waiting for Chauncey, who never appeared till August 1. There was a most disabling lack of co-operation between the American fleet and army at this time, and it proved fatal to both their joint and separate success. Brown was exasperated by the delay. Chauncey ought certainly to have run at least a fighting risk to reach him; but he did nothing of the kind, and he answered Brown in a letter which showed an unworthy jealousy. In high-flown terms he repudiated the idea that his fleet was to be 'an agreeable appendage to attend marches and counter-marches. The Secretary of the Navy has honoured us with a higher destiny; we are to seek and to fight the enemy's fleet. This is the great purpose of the government in creating this fleet, and I shall not be diverted in my efforts to effectuate it by any sinister attempt to render us subordinate to, or an appendage of, the army.'

The Battle of Lundy's Lane

During the pause of a few momentous days Drummond was at Kingston, forwarding reinforcements, calling out the militia, and trying Canadian traitors, of whom eight were hanged. Willcocks and his renegades were with Brown's army, busily engaged in plundering raids. On the 19th an American militia colonel called Stone burnt down St David's. Stone was dismissed the service. But the mischief was done; and it was always liable to be done again so long as the Americans persisted in relying on their worthless, undisciplined levies. Brown reconnoitred the forts and tried to bring on a general action with Riall. But, failing in this, he began to retire, first to Queenston, where, on the 23rd,

he heard that Chauncey was not coming yet, and then to Chippawa, where he was encamped on the morning of the 25th.

He now formed a new plan : a diagonal march against Burlington Heights. Meanwhile Colonel Pearson with an advanced guard of 1000 British had arrived at Lundy's Lane, only three miles in front of him; and Tucker was preparing for an immediate advance on the American side, in support of Riall, who had already begun to move forward on the Canadian side, in support of Pearson. Riall's orders were not to engage unless attacked in force, when he was to call in Tucker to help him ; so he was merely feeling for the enemy on the morning of the 25th at Lundy's Lane when Drummond landed from York at Fort Niagara. Tucker cleared the Americans out of Youngstown and Lewiston, and both Drummond and Tucker met at Queenston. Then Drummond followed Riall to Lundy's Lane with 800 men, while Tucker went back with the remainder to garrison the forts.

Brown had 4000 men, Riall 1000. Accordingly, when Brown advanced late in the afternoon, Riall began to retire before him and sent back a message to Drummond, who was now close at hand. Drummond galloped up and took in the whole situation at a glance. Lundy's Lane ran west at right angles to the Niagara, about a mile below the Falls. The Queenston road ran parallel with and about three-quarters of a mile from the river. Just inside its point of intersection with Lundy's Lane, and nearly a mile from the river, there was a rise of about thirty feet, forming a low hill, over which Lundy's Lane passed lengthwise for about a quarter of a mile. This rise was the key of the position, and it well deserves to have a distinctive name of its own, such as Battle Rise, for round it raged the fiercest struggle of the war in Canada. Drummond had no time to lose. Winfield Scott's brigade was only six hundred yards from Battle Rise and making straight for it. The British, however, were only just leaving it. Drummond ordered them back immediately. They deployed at the double. The seven guns were action-fronted on the Rise. A detachment of the 8th was told off to support the militia between the Queenston road and the

river. The squadron of the 19th Light Dragoons was placed in reserve. The Glengarries were thrown a little forward in the woods on the right, and the 1800 British stood ready to meet the onset of 4000 Americans.

Winfield Scott made the first attack, along the Queenston road, with his brigade of 1200 regulars, who came on with splendid gallantry well in advance of the rest of Brown's army. One battalion drove a wedge through the British left and forced back the Canadian militia and the 8th regiment. These men, however, re-formed in rear of the Rise, charged back, drove out the intruding battalion, and secured the threatened flank; but Riall, passing wounded to the rear, was taken prisoner in the confusion. Scott's men kept up the fight for nearly an hour against Drummond's superior numbers; but when Brown's total came into action the proportions were reversed, and instead of being three against two in favour of the British, they were more than two against one in favour of the Americans. Brown at once told off two battalions to storm the Rise. They were excellently led by Colonel Miller. The supporting battalion broke, but Miller's own followed him in behind an overgrown fence within point-blank range of the guns. Here he passed the word for a volley and charge, both of which were well delivered on his signal. The Americans were in with the bayonet among the gunners in less than a minute after the volley had been fired. Then the British infantry charged up the other side of the Rise, and a desperate struggle ensued on the top. Neither force could drive its opponent off permanently, and both fell back to re-form. Again they both advanced with the utmost gallantry and determination, but again neither could keep a footing round the guns. It was now quite dark, and two lines of flashing musketry swayed back and forth across the Rise for a few deadly minutes more. Then the British line slowly receded, the American stood fast, and both ceased firing.

Just at this time Drummond's reinforcements of 1200 men, including 300 sedentary militia, marched on to the field. They had been under arms for eighteen hours already, had marched and counter-marched, first under Riall's orders and

then under Drummond's, all through the hottest of that sweltering, midsummer day ; and now, half dead with fatigue, the militia and some of the 103rd regiment stumbled through a gap in the British line, made for the Rise, and only found out their mistake when the Americans received them with a stinging volley that threw them into bewildering confusion. They fell back, their officers re-formed them, and they took post in reserve. Drummond sent the rest of the reinforcements round to his right, and the defence was re-established, with the odds only four to three in favour of the Americans. Meanwhile the American reserve ammunition had been brought to the front and the battle recommenced. Again the Rise was attacked, but again it could neither be taken nor held. The seven guns stood dumb and deserted on the top, while friend and foe fired at each other from either side. Brown, Scott and Ripley all were wounded, and about midnight their exhausted army slackened its attack, ceased, turned, and slowly retired on Chippawa. The defending British, equally exhausted, with Drummond wounded and Riall taken prisoner, remained where they were. The losses on both sides were the severest of the war on land : one-third of all the British, and more than a quarter of all the Americans engaged.

For three hours after the fighting ceased a pall of darkness shrouded that blood-stained ground. Nothing stirred, except the surgeons dimly going their rounds of mercy. Nothing sounded, except the moaning of the wounded, the rare challenge of a tired-out sentry, and the deep booming of the Falls that had been lost to human ears during the clash of arms. Then came the fresh, midsummer dawn. And there lay those steadfast British soldiers, rank on rank, as in their line of battle, resting upon their hard-won field, their arms beside them, and in their midst the battery of untaken guns on the unconquered Rise.

Both armies took a few days to recover from their staggering encounter, in which they had borne themselves so well. On August 1 Drummond moved against Fort Erie. The next night he sent Tucker across against Black Rock and

Buffalo. The Americans were on the alert, and the attack miscarried. On the 4th General Edmund P. Gaines arrived to take command of the Americans. On the 12th Captain Dobbs of the navy boarded and took two American armed vessels assisting in the defence. On the 15th Drummond delivered his assault. He had 2200 men formed in one large, one medium and one small column. One thousand more were held in reserve. At two in the morning the attempt was made. The flints had been drawn from the muskets, to make sure that there would be no premature firing. But the Americans took the alarm and opened a murderous fire of guns and musketry, to which the British had no immediate means of replying. Three assaults were repulsed with great loss. A fourth was at first successful, and the Americans tried in vain to drive the British out of the principal stone bastion, till they fired the magazine underneath and blew the whole assaulting force to pieces. As Lundy's Lane was the bloodiest Canadian battle, so this was by far the bloodiest siege. Nearly 1000 British were killed or wounded. And this loss was all the greater in proportion, since it occurred, not among Drummond's whole force, but only among the 2200 composing the three columns; and not really among all of these either, since the Watteville regiment of foreigners turned and ran almost at once. The strictly British loss was therefore raised to about sixty per cent of the men engaged.

Encouraged by their success, the Americans made a vigorous sortie on September 17. The British lost 600 men, but the sortie failed. Drummond raised the siege on the 21st, and retired beaten. Willcocks the renegade was killed in a skirmish, which was less satisfactory than having him hanged, but a great deal better than having him go free. General Izard appeared on the scene from Sackett's Harbour in October, and marched down from Fort Erie to the Chippawa with over 6000 men. But Drummond had also been reinforced, and Izard's attempt to work round his inland flank was smartly checked at Cook's Mills on the 19th. The Americans retired on the 21st, blew up Fort Erie on November 5, crossed over to their own side and went into winter quarters.

This ended the defence of the Canadian frontier. The

general position there was the following: Michilimackinac was held by the British; the Detroit frontier and Lake Erie by the Americans; the Niagara frontier more by the British than the Americans, as Fort Niagara was still in British hands. Lake Ontario was half-and-half, but Yeo's 102-gun ship promised to give him the predominance if the war went on. Along the upper St Lawrence each combatant kept to his own side. From Montreal to the Atlantic the Canadian frontier was absolutely free. More than this: the whole of Maine between the Penobscot and New Brunswick was formally annexed in September, after being conquered by a joint expedition under Sir John Sherbrooke and Admiral Griffith. Thus the balance of victory inclined first one way and then another. But its final set was by no means against the British force in Canada.

The British Counter-Invasion

(2) *Disastrous failure of the British counter-invasion.*— Canada might be safe in a purely defensive way. But the best of all defence is to destroy the enemy's means of destroying you. And so a counter-invasion was planned. Prevost commanded in person. He had the finest army any general on either side ever commanded throughout the war. There were over 10,000 Peninsular veterans in it, the men with whom Wellington said he 'could go anywhere and do anything.' This splendid force was to be led against Plattsburg, which had been raided by a comparative handful the year before with perfect impunity. When Izard left Plattsburg for Sackett's Harbour and Niagara he was succeeded by General Alexander Macomb, who had no more than 1500 men. These were hurriedly increased by New York and Vermont militia, and perhaps there were 5000 altogether on the day of the battle. But the 1500 regulars were not increased, and the 3500 militia, if there were so many, were not a match for 1000 'Peninsulars.' Nor were the whole of Macomb's 5000, fighting behind imperfect works, anything like a match for 'Peninsulars' in equal numbers. And the numbers were not equal. Prevost had 7000 at the front,

even after providing for his lines of communication and reserve.

He crossed the frontier on September 1 and marched twenty-five miles in five days. There was nothing to stop him, except himself. The 'Peninsulars' simply brushed aside the militia they met with, as if these men were only so many flies. Macomb's official report bears unanswerable witness: 'The militia skirmished with his advanced parties, and, except a few brave men, fell back most precipitately in the greatest disorder, notwithstanding that the British troops did not deign to fire on them except by their flankers and advanced patrols. So undaunted was the enemy that he never deployed in his whole march, always pressing on in column.' On the 6th Prevost reached Plattsburg, which was in no position to resist him, in spite of the time he had given it to prepare. But he sat down before it for five days more, watched its defences grow under his very eyes, and did nothing to hinder them. He was waiting for the fleet. But, as an undoubted matter of naval and military right, the proper duty of the fleet was certainly to wait for him.

Prevost's Incompetence

There were many cogent reasons why Prevost ought to have attacked with his army at once. He was perfectly safe in rear and on both flanks. Twelve days before this he had reported home his total strength in Canada as 30,000 regulars, of whom more than half were veteran 'Peninsulars,' and he was only a seventy-mile march south of Montreal, with his line of communication well secured. New York, in which he was operating, was not a 'war state,' and he had nothing to fear on his right, after Izard marched off for Sackett's Harbour and Niagara. Neither had he anything to fear on his left. Vermont was a persistent 'peace state,' as he well knew. On August 27 he wrote to Bathurst: 'Two-thirds of the army are supplied with beef by American contractors, principally of Vermont and New York.' Worse even than this, Macdonough reported on June 29 the seizure of six masts, which were being sent across the line for

the *Confiance*, the new British flagship building on Lake Champlain.

Secondly, Prevost was not only perfectly safe himself, but he was equally safe in attacking Plattsburg. Macdonough's vessels, though 'annoying' to Prevost, could do little harm to the shore in comparison with the harm the shore could do them, because they were all lightly built themselves, and because most of their guns were carronades, which had a very short range. Prevost was not only safe in attacking, but was practically certain to win. The American militia that came trooping in to the defence were worthy of all honour for choosing the nobler part, unlike their contemptibly venal fellow-countrymen, who preferred selling both their country and themselves. But, however bravely these militia might have fought, and however feverishly they actually did pile up their makeshift lines of defence, neither they nor their defences had the ghost of a chance against the trained and seasoned British veterans, who surpassed them considerably in quantity as well as overwhelmingly in quality.

Thirdly, Prevost, being safe himself, and equally sure of victory, was morally bound, by every reason of war, to take Plattsburg at once, in order either to destroy Macdonough's flotilla in the bay or drive it out into the open lake, where Captain Downie's flotilla was able to meet it on more than equal terms. He complained that his own heavy guns lagged behind. But why did he go on without them, if he had so much time to spare as his dilatory march implied? Or why, leaving them behind, did he not push on and storm Macomb's defences at their weakest possible point? Or why did he not do a double stroke of war, by using the enemy's own guns against them? He reported, on the very day of the battle, that Plattsburg contained 'block-houses armed with heavy ordnance.' He had only to take these heavy guns and turn them against Macdonough, who knew how untenable his position in the bay would then have been, because, after the battle, and before Prevost's retreat, he changed this position for one off Crab Island, so as to get out of reach of the shore. Nor was Macdonough

the only man who knew how untenable the bay was against shore batteries of heavy metal and long range. Yeo reported to the Admiralty that 'had our troops taken their batteries first, it would have obliged the enemy's squadron to quit the bay and given ours a fair chance.' At the subsequent British naval court-martial at Portsmouth all the witnesses swore that Macdonough was within effective range of the shore, and the court unanimously accepted the evidence as final. And this opinion was by no means confined to the navy. Soldiers thought the same. Izard, who was a regular, and had held the command at Plattsburg for some time, reported 'that without the works, Fort Moreau and its dependencies, Captain Macdonough would not have ventured to await the enemy's attack in Plattsburg Bay.'

Fourthly, Prevost knew perfectly well that if Macdonough's flotilla was driven out of the bay it would be confronted with the choice of two evils: it must either have left the lake open to Downie's flotilla or have fought at disadvantage. Macdonough was not the man to shun battle. There would certainly have been a fight outside, and then all the manœuvring chances would have been in favour of Downie's flagship *Confiance*, because she carried long guns and Macdonough's flagship *Saratoga* carried mostly carronades. In a general way the difference between them was almost the same as that between two bodies of men, the one armed with rifles, the other with blunderbusses firing buckshot. At a distance the rifles are irresistible. Hand-to-hand, in a rough-and-tumble scuffle, the buckshot can hardly fail to hit. And carronades were loaded, not, of course, with buckshot, but with large bullets, most destructive to light shipping as well as deadly to human flesh and blood. There was also one more advantage which Macdonough enjoyed in the bay, and would have lost outside. Riding at anchor, all hands could fight the guns, as none were required to work the sails. This, of course, entailed a corresponding disadvantage on Downie, because only half his men could stand to their guns so long as he was under way. Worse still, this general disadvantage was doubled in this particular case by the fact that Downie's crew was a mere collection of

odd drafts from different ships, eked out by a company of infantry marched on board just before the battle.

Prevost was safe, he was sure to win on land. His victory on land would certainly drive Macdonough out to sea, and there Downie would have the best of chances to complete the British victory all round. Yet Prevost put all these four unanswerable reasons quite aside and insisted on what he called a joint attack.

He then began to goad Downie into premature action. The *Confiance* was still building. The hammering never stopped till two hours before the battle. It hardly requires a naval education to see that such a ship, with such a crew, needs a little more time to face a crisis. Downie—a gallant, experienced and capable officer—arrived at the yard on September 2. Prevost reported that the ship would be ready on the 15th. Then he wrote to Downie on the 7th urging haste. On the 8th he continued, more strongly: 'I only wait for your arrival to proceed against General Macomb's last position.' On the 9th he wrote more strongly still: 'I need not dwell with you on the evils resulting to both services from delay.' And in a postscript he took care to let Downie know that he was watching him: 'Captain Watson of the provincial cavalry is directed to remain at Little Chazy until you are preparing to get under way.' Yielding, much against his better judgment, to so much pressure from the commander-in-chief, Downie tried to sail that midnight, but was headed by the wind and forced to desist. Both the attempt and its failure, with the determining cause, were at once reported to Prevost. This postponement was entirely correct, justifiable, and in the best interests of the service, from every point of view. Yet Prevost replied: 'In consequence of your [previous] letter the troops have been held in readiness, since six o'clock this morning, to storm the enemy's works at nearly the same moment as the naval action begins in the bay. I ascribe the disappointment I have experienced to the unfortunate change of wind, and shall rejoice to learn that my reasonable expectations have been frustrated by no other cause.' Perhaps Prevost never meant the insinuation of those fatal words, 'no other cause.'

But there is absolutely no excuse whatever for his having written them. He was a soldier of nearly thirty years' service, and he must have known how words like these might be misconstrued, even if not badly meant. Besides, he was a very diplomatic man, much better at saying smooth things than doing stern ones, so he was particularly well accustomed to all the verbal niceties, and to what construction these verbal niceties might or might not bear. And, being a soldier by profession and a diplomat by choice, he has the greater condemnation.

'No other cause.' Major Coore, a champion of Prevost's, delivered the letter to Downie, who said, according to Coore's own written testimony: 'I am surprised Sir George Prevost should think it necessary to urge me upon this subject. He must feel I am as desirous of proceeding to active operations as he can be; but I am responsible for the squadron, and no man shall make me lead it into action before I consider it in fit condition.' All the same, the poison worked; for Captain Daniel Pring, Downie's second-in-command, testified on oath before the court-martial that Downie afterwards added: 'This letter does not deserve an answer. But I 'll convince him that the Naval force will not be backward in their share of the attack.'

Prevost was then duly warned that Downie would come south to fight next morning, if the wind was fair, and that he would give ample notice of his approach by firing guns quite five miles off. From before dawn the wind set steady from the north-north-east. Downie sailed for Plattsburg, fired his guns just where the sound would carry best, and then hove to, while he came forward to reconnoitre Macdonough from Cumberland Head, the easternmost point of the bay. About an hour later he rounded the head, changed course, and made in for Macdonough. But, to the universal British dismay, Prevost showed no signs of moving. It was too late to turn back now, and Downie was forced to close action, in the way most disadvantageous to himself and most advantageous to Macdonough.

The fight went against him from the first. One vessel, with an incompetent lieutenant in charge, never anchored till after she had drifted through the American line, when she pusillanimously struck. Another, not keeping near enough to the wind, missed her station, was useless when becalmed, and finally grounded on Crab Island. Four of the little gunboats behaved with the greatest gallantry, though unable to do very much, but the rest kept out of action in the most disgraceful way. Downie was killed fifteen minutes after the first broadside. But the *Confiance* and the *Linnet* kept up a desperate struggle with the *Saratoga* and the *Eagle*. The four engaged sides of these ships were almost entirely disabled, when the *Eagle* cut her cable and ran down to the *Saratoga*, where she anchored by the stern, so as to bring her previously unengaged side into action. Then the *Saratoga* 'wound ship' by turning herself completely round, thus bringing her own unengaged side to bear, like the *Eagle*. The *Confiance* was obliged to do the same or be beaten. But her stern anchor had been shot away; she could only wind round by a new spring on the bow cable. And while this extremely slow process was going on she was raked fore and aft by the *Saratoga's* fresh broadside, and fired into as well by the *Eagle*. She could reply to neither herself, and the *Linnet* could not hit the *Eagle* at all, owing to the change in position. At eleven o'clock, after two hours and twenty minutes' continuous fighting, the overmatched *Confiance* struck her colours, being then in a sinking condition, and with nearly half her ship's company killed or wounded. For fifteen minutes more the undaunted Pring fought the *Linnet* to her very last gasp. Then the furious cannonading ceased with the complete annihilation of the British fleet.

Meanwhile Prevost looked on and did nothing. When the battle was nearly over he made a hopelessly inept, disjointed and half-hearted demonstration against Macomb. He then called his men back, broke camp that night, left his badly wounded and many stores behind him, lost

hundreds of his disgusted veterans by desertion on the way, and returned to Canada a good deal faster than he came.

On hearing the news Wellington wrote a private and confidential letter to Bathurst offering his services, if required. He wrote from Paris on November 4, when Europe was still seething with unrest after the fall of Napoleon, and when he neither knew nor could foretell whether he could be spared for Canada or not. But the fact that he—a field marshal, a duke, and next to Napoleon in the eyes of the world—should have offered his services at all speaks volumes both for his own devotion to duty and Canada's worth to the Empire.

On January 8, 1815, the southern counterpart of this northern disaster took place at New Orleans. The Americans had command of the Mississippi. Their general, Andrew Jackson, was the best chief fighting leader they had developed in the whole war. He had an immensely strong position, only a thousand yards wide, which could only be turned from across the river by artillery, and he had 6000 men, of whom only 2000 were really raw. He inspired perfect confidence in his 4000 trained men, who were well able to hold such an almost impregnable position against 8000 British. The whole expedition was a mistake from the first; at least, in the way it was worked. Naval co-operation was impossible under the immediate circumstances. The army was committed to its task before the commander arrived. And though Pakenham, Wellington's brother-in-law, was a good general with good troops, though his second, Lambert, showed sound judgment afterwards, and though Thornton did as well as possible with the flank attack, yet the work was far beyond the strength of the force that had to try it. Through a variety of adverse circumstances the flank attack, though successful, could not be pressed home. The main attack had to be made over flat ground, without an inch of cover, and against well-handled, straight-shooting soldiers, perfectly protected by their works. Pakenham was killed and Thornton wounded, with over 2000 officers and men. The British loss was twenty-five per cent, the American

one. The counter-invasions had both failed, and failed completely.

Decisive Influence of Sea-Power

(3) *The omnipotent British command of the sea.*--It was this that turned the scale. The American invasion of Canada had failed decisively. The British invasion of the United States had failed disastrously. But the British command of both seaboard and sea was more decisive than the success along the frontier of Canada, and more disastrous to the United States than Plattsburg and New Orleans, put together, were to the mother country and her colony.

The 'Bladensburg Races,' on August 24, 1814, and the burning of Washington the same night, were as effective as they were spectacular. General Ross, with 4000 regulars, and Admiral Cockburn, with a supporting fleet, worked their will on all the surrounding country, which is so conveniently intersected by waterways that it seems made for the scene of joint expeditions. The American government clung to their raw militia to the very last. General Winder, who had been taken prisoner at Stoney Creek, was put in charge of 5000 of them at the eleventh hour, while President Madison and his cabinet stood by to look on. Ross came up with 1500 men in advance of his main army. He was in a hurry to get through; so he simply sent the 1500 straight at the 5000, and the 5000 scattered to the winds in a single panic-stricken moment, under the very eyes of the politicians who believed in them. There was, however, one gallant stand made on the American side that day, and it was made not only by regulars, whom the government disliked, but by regulars who were sailors, whom the government not only disliked but discouraged. Captain Joshua Barney fought his guns like a hero, till the whole American army had run away, except the 400 regulars, who stood by the bluejackets. He was then driven back by superior British numbers, wounded and taken prisoner, while his men retreated, leaving their guns in the hands of the enemy. Cockburn and Ross

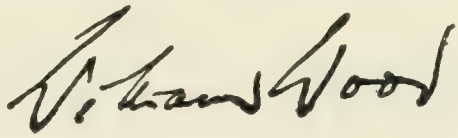
were loud in their praise of his bravery, and he afterwards declared that the British had treated him ' just like a brother ' the whole time he was with them.

That evening all the public buildings in Washington, the capital of a country with 7,000,000 people, who had raised over 400,000 militiamen already, were burnt to the ground by 4000 British regulars without the slightest opposition. This act of retribution was severely criticized by the Americans as a wanton outrage, and the criticism was repeated then, and has been since, by many British who did not and do not understand the case. The first burning of public buildings was by the Americans at York, which was the capital of Upper Canada. The second burning was also by the Americans at Newark, the former capital, and this time private as well as public property was completely destroyed. After that both sides burnt whole settlements, but the provocation always began with the Americans. So the burning of Washington was a just retaliation in kind. It stopped short at government property. Not one article of private property was touched, though the whole city might have been set alight, and the precedent for doing so would have been strictly American. The fact that the Capitol was larger than all the public buildings in York and Newark put together makes no difference in kind, though it did in degree. And it was, and is, entirely owing to this difference in degree that the original provocation in kind has been so much obscured, and the justice of the retribution so long and persistently disputed.

But it was not the flames of the burning Capitol, nor yet the stampede of Bladensburg, that turned the general balance of victory towards the British side in Canada. It was partly Canada herself, divided in race but united in arms. It was, still more, the imperial soldiers, who came out to her across a British sea. But it was, most of all, the British navy, whose ships were seen by few Americans, but felt by every single one of them throughout the length and breadth and innermost recesses of their land. This was the silent force that spread the net which caught and killed the sea-borne com-

merce of the United States; this that fought one long, continuous campaign for Canada, so far beyond her frontiers and the ken of almost all her people; and that made her own defence at home so completely victorious over the third determined effort the Americans have made to destroy her chosen way of life.

The Treaty of Ghent was signed on Christmas Eve 1814. It left most things very much as they were before the war began. This was a decided gain for the Americans. They commanded less ground in Canada than the British actually held in the United States; their plans of conquest had come to nought; their coast was closed by a hostile sea; they were still on the defensive; Washington had been lost; New Orleans had not been won; and their plenipotentiaries had been secretly instructed not to insist on any one of the points for which they had gone to war. Yet, by shrewd negotiation, by taking advantage of British difficulties in the then volcanic state of Europe, and by leaving open such questions as time was likely to settle, they gained enough to partly soothe them for their ignominious failure against Canada.



PAPINEAU AND FRENCH-CANADIAN NATIONALISM

PAPINEAU AND FRENCH-CANADIAN NATIONALISM

Sir George Prevost

CRAIG'S successor, Sir George Prevost, belonged to the new order of military administrators which arose after the Revolutionary War. In 1790, when he was in his twenty-third year, he had attained the rank of major in the Royal American Foot. Prior to his Canadian appointment Prevost had acquired a wide experience both military and civil. In 1798 he was appointed military governor of the Island of St Lucia, and three years later assumed the civil administration of the colony. He was later appointed to the government of Dominica, and from 1808 until his removal to Lower Canada was lieutenant-governor of Nova Scotia.

In temperament and political genius Craig and Prevost were in many respects directly antipodal. The stern, unyielding autocracy of Craig, which to his friends was but the expression of strength and dignity and to his foes coercion and cruelty, gave way under Prevost to moderation and conciliation—evidence, on the one hand, of feebleness and irresolution, and, on the other, of justice and wisdom. Prevost's experience at St Lucia made him familiar with French character, and enabled him at once to perceive what was needed to conciliate the majority in the province.

Sir George Prevost was confronted with a problem of peculiar difficulty. The policy of coercion, on the admission of Craig, its chief apostle, had failed, and in its failure had aggravated the differences which separated political parties. The proper conduct of the administration required the passing of certain legislative measures, and, in

consequence, the co-operation of the majority in the assembly. To secure this co-operation the governor adopted the most natural expedient. The English party, with whom previous governors had become allied, was hopelessly in the minority in the assembly and was powerless in promoting legislation. The leaders of the popular party, more securely established in popular esteem by Craig's persecutions, were placated by the offer of positions in the public service. In May 1812 Olivier Perreault, the advocate-general of the province, was promoted to the King's Bench for the district of Quebec, while the office of advocate-general was offered to Pierre Bédard, the ex-prisoner and leader of the French-Canadian opposition. Bédard declined the position, but a few months later accepted the office of provincial judge for the district of Three Rivers. The provincial patronage, formerly confined almost exclusively to the official party and their friends, was henceforth opened to the French Canadians on the same basis as to the English Canadians.

The conferring of special favours on the head of the Roman Catholic Church constituted a further step in Prevost's policy of conciliation. It had been Craig's desire to enforce a recognition of the supremacy of the crown in ecclesiastical affairs reserved by the Quebec Act regardless of the attitude of the church. Prevost, on the other hand, was content to let the question of supremacy rest in abeyance, and in the meantime procured a much larger allowance for the superintendent of the church.

The policy of Sir George Prevost placed upon the assembly a very great responsibility—a responsibility which, unfortunately, the assembly did not fully realize. A special opportunity was presented for the French-Canadian party to justify its participation in representative government. The province was passing through the greatest crisis in its history, and one which made special demands on the legislative body. The French-Canadian party was in absolute control of the lower house and had in Prevost a governor more inclined to meet its wishes than even Murray or Carleton. Had it pursued a strong policy in defence of the interests of the province, its opponents would have been completely discredited and it

would have established itself firmly as a positive factor in government. Unfortunately, however, the counsels of wisdom failed to prevail. The governor's suggestion that a bill should be introduced relating to the proclamation of martial law was met with a frank denial of the authority of the governor to declare martial law. The time of the assembly was frittered away in useless discussions regarding the privileges and rights of the house. At a moment when disinterested devotion to the general good would have scored heavily the assembly manifested a spirit of petty selfishness and factious bitterness.

The session of the provincial parliament of 1814 served to bring the opposing parties into direct and open conflict. The hostility of the assembly towards the council was early manifested in a bill disqualifying the chief justices and justices of the Court of King's Bench from sitting in the legislative council. This bill, as would be expected, was thrown out by the council. The strongly nationalist tendencies of the assembly were revealed in a bill providing for the establishment of schools. An act of 1801, vesting full control over the schools in the crown through a corporation known as the Royal Institution for the Advancement of Learning, had remained practically a dead letter owing to the opposition of the church. The French-Canadian assembly now proposed that the powers formerly held by the Royal Institution should be transferred to local corporations elected in each parish. The assembly was perfectly justified in making this demand ; the act of 1801, which was inspired by a desire to compel the anglicizing of the provinces, had proved a failure, and there was a very serious need for the establishment of a system of public instruction. This bill, which Herman W. Ryland states had the support of the governor, was speedily killed by the council.

An unfair and very thinly veiled attack was made on the members of the official party. A bill was introduced raising a revenue by levying a tax on the incomes of the officers of government but exempting from its application the governor and all persons holding commissions or staff appointments in the militia. In projecting this scheme of

taxation the animus of the assembly against a particular class in the community seems distinctly to have got the better of its wisdom. The salaries of the civil officers were paid from revenues which were not subject to the appropriation of the assembly, so that the house was virtually extracting from the British treasury a sum equal to about £2500, and placing the burden of its payment on the unfortunate civil servants of the province. This measure likewise received summary treatment in the council.

The Impeachments

The final thrust in this political duel was the assembly's impeachment of the two chief justices. The obvious purpose of the impeachment proceedings was to discredit the judiciary in the eyes of the public, while the chief justices were selected for attack, not only because they represented the bench, but because they had individually strongly supported the coercive measures of Sir James Craig. Chief Justice Sewell in particular had earned the unfeigned hostility of the Roman Catholic clergy and of the mass of the French Canadians on account of certain opinions adverse to the church which he had given as attorney-general. His emphatic support of Sir James Craig's measures, both in the Legislative and Executive Councils, converted this sentiment into an uncompromising hatred. Nor was the element of personal animosity absent from the impeachment proceedings. James Stuart, whose star for the time being was in the ascendant in the House of Assembly, had been dismissed from the office of solicitor-general by Sir James Craig and had on various occasions come into conflict with the chief justice. No conscientious scruples, therefore, prevented Stuart from taking full advantage of the unpopularity of his former chief. In the Articles of Impeachment the assembly charged Chief Justice Sewell with responsibility for the publication of the *Rules and Orders of Practice* of the courts which invaded the legislative sphere of the assembly, and with having tendered Sir James Craig advice which resulted in subverting the liberties of His Majesty's subjects. Chief Justice Monk was associated with his judicial confrère

in the charge of violating the legislative authority of the assembly, and was in addition accused of misconduct as a judge. For refusing to dismiss the chief justices pending the trial of the charges the governor was roundly rated by the assembly, though the censure was later modified by a belated vote of confidence in his administration. Following the precedent which had been set in Nova Scotia in 1790, the evidence in support of the charges was heard by the Privy Council. The legislative assembly endeavoured to secure Stuart's appointment as agent to prosecute the charges before the Privy Council, but in this they were defeated by the refusal of the upper house to permit an appropriation for the necessary expenses. The result was that the assembly's charges were unsupported, while Chief Justice Sewell was present in person to present his own defence. On the evidence submitted the Privy Council completely exonerated both of the chief justices.[1]

But Prevost's administration was doomed to be cut short by difficulties of another order. In order to meet the charges which Sir James Yeo had made against his conduct in connection with the repulse at Plattsburg, Prevost returned to Britain in April 1815, leaving the administration of the government in charge of Sir Gordon Drummond.

Judged by results the policy of Sir George Prevost was only moderately successful. To effect a reconciliation between the tory officials and the popular party was an impossible task. He lacked alike the strength of character which would have compelled the official party to acquiesce in his measures and the diplomacy which might have induced them to accept his leadership. To the natural antipathy of the government party to popular assemblies was added a sneering disdain of the ignorant and misguided French advocates and habitants who composed the assembly. From the official party no concessions could be expected. The assembly, on the other hand, conscious of its power in the country, was determined to have its vengeance on the bureaucracy. Community of race and creed served to bind together the popular party, and in issues which did not affect these

[1] For a further discussion of the impeachment see p. 479.

fundamental considerations the assembly took little interest. Its leaders, in the opinion of Prevost, who could not be accused of an unfriendly prejudice, were seeking an opportunity to distinguish themselves as the champions of the public for the purpose of gaining popularity, and endeavouring to make themselves of consequence in the eyes of government in the hope of obtaining employment from it. With an ally such as the assembly of 1814 Prevost could hope to accomplish but very little. A persistence in Craig's policy of coercion would sooner or later have resulted in a violent collision; this at least was avoided by the more conciliatory policy of Prevost.

The period of Sir George Prevost's administration reveals more truly than any subsequent one the real and fundamental causes of the political crisis in Lower Canada. The expressions of party opinion in 1814 were natural and unconscious. In later years attention was diverted to the means by which party purposes were to be secured and to the particular form in which party issues were to be clothed in order to appeal to the public both in Canada and in Britain. The basic issues in the rebellion situation were essentially nationalist and racial. The mere conjunction in one political system of two races of widely different instincts, religious, political, commercial, inevitably induced dissension. The determination of intolerant Britons to insist on a divinely ordained distinction between the rights of the victors and the vanquished found a counterpart in the French-Canadian habit of regarding Englishmen as interlopers plotting the destruction of a peaceful and inoffensive people. Bigotry, coercion, a concerted and much-vaunted superiority, compelled the majority to combine for self-defence. The feud of races was already started; time added only to the bitterness of the strife.

Sir Gordon Drummond

The appointment of Sir Gordon Drummond was regarded as only a temporary expedient pending the selection of an officer experienced in civil administration for the Canadian situation. It fell to Drummond's lot to convey to the assembly

the decision of the Privy Council in the case of the impeachments of the chief justices. In transmitting the order-in-council containing the decision Lord Bathurst had been careful to provide Drummond with very specific instructions regarding his attitude towards the assembly.

> As it is not improbable that the same spirit which led the Assembly to bring forward those charges in the first instance may induce them to urge them or similar charges at some future period, I deem it necessary to furnish you with instructions for your guidance in such a case, and I have therefore to desire that in the event of this question being again agitated and your having reason to believe that it will meet with a favourable reception in the House, you should forthwith dissolve the Assembly before it shall have proceeded to embody its resolutions in the shape of specific charges.[1]

This dispatch, considered in connection with the methods adopted by the British government in disposing of the assembly's charges, illustrates only too well the traditional attitude of the Colonial Office towards Canadian affairs during the first decades of the nineteenth century. The reaction from the excesses of revolutionary France in its swing to the extremes of conservatism was manifest even in the detail of colonial administration.

The assembly, however, though admitting the superior dignity and wisdom of the Privy Council, was not inclined meekly to acquiesce in its decision. The principle that the governor alone was the responsible executive officer, affirmed by the British government as to the responsibility of the executive council, was directly at variance with the position which the assembly was prepared to adopt. Whether or not the rank and file of the assembly at this time realized the significance of the demand for the responsibility of the executive council, the case was very clearly stated by Stuart.

> The necessity of responsibility on the part of any Executive Councillor who might advise Acts which might be thought oppressive, was such that every exertion

[1] Bathurst to Drummond, confidential, July 12, 1815: the Canadian Archives, Q 136 A, p. 111.

> should be made to bring the thing about, for without it there was no safety, for if shielded by the decision in question, the Executive Counsellors could with impunity advise measures of an oppressive nature, the Governor not being amenable to any Court in the Country and the delinquents in question not being amenable to any but a *Tribunal in England which has decided without hearing*, there must be an end of everything.[1]

The opposition of the assembly was aroused not only by the decision itself, which was a distinct triumph for the bureaucratic party, but by the manifestly unfair means by which it had been reached. The entire question was referred to a special committee, which recommended that a petition should be presented to the Prince Regent appealing for an opportunity to submit evidence in support of its charges. Lord Bathurst's instructions left no alternative to Drummond, and parliament was accordingly dissolved on February 26, 1816. During the session only one bill had been passed, so that several temporary laws were allowed to expire.

Sir John Coape Sherbrooke

The British government had already selected Sir John Coape Sherbrooke, lieutenant-governor of Nova Scotia, as governor-in-chief of Canada. Before his appointment to Nova Scotia, Sherbrooke had seen active service in almost every quarter of the globe. In 1784 he was stationed in Nova Scotia, and in 1794 he served with the Duke of York in the Netherlands. Two years later he was at the Cape, and from there he was sent to India, where his regiment took an active part in the Mysore war. June 1805 found him in command of the troops at Messina, and in 1807 he was entrusted with an important mission to the Beys in Egypt. In March 1809 he brought his troops to Lisbon and served with Wellington during the campaign of that year. Sherbrooke's hasty and impetuous temper was a source of anxiety

[1] From a speech of Stuart's quoted in Drummond to Bathurst, February 27, 1816; the Canadian Archives, Q 136, p. 64. The italics are Drummond's.

SIR JOHN COAPE SHERBROOKE

From a lithograph in the Dominion Archives

to the Iron Duke, by whom he was described in later years as the most passionate man he had ever known. The failure of his health compelled him to return to England in May 1810, and in August of the following year he was appointed lieutenant-governor of Nova Scotia in succession to Sir George Prevost. Sir Gordon Drummond departed from Quebec in May 1816, and during the interval pending the arrival of Sherbrooke the administration was conducted by Major-General John Wilson, whose activities, in so far as the correspondence reveals, were mainly concerned with the question of his own rank and salary.

The attitude of the assembly, as revealed in their protests against the Privy Council's decision and the suspension of projects depending on provincial legislation, gave sufficient evidence to the Colonial Office that the Canadian situation was rapidly becoming critical. The real significance of the agitation in Lower Canada had not yet been seized by the British government, and its policy in consequence did not reach the real causes of the trouble. The Canadian problem in Lord Bathurst's mind resolved itself into a contest between the representative of the crown and a refractory assembly—a contest in which the preservation of the colony demanded that the entire weight of the British government should be thrown on the side of the governor. Bathurst's energies were directed entirely to strengthening the hands of the executive. The preservation of the dignity of the Colonial Office demanded that the decision in the impeachment cases should be resolutely maintained, and the governor was accordingly instructed to give Chief Justice Sewell the full support of the executive authority. It was obvious that in a struggle such as that being waged between the executive and the assembly the control of the purse would prove a deciding factor. Sherbrooke was directed to report on the state of the public finances, and to conserve as much as possible the funds within the control of the crown. By a flank movement war was to be carried into the camp of the enemy, and by conciliating the Roman Catholic clergy the rank and file of the popular party in the assembly was to be detached. Lord Bathurst's policy in this connection was

clearly stated in a private dispatch to Sir John Sherbrooke in July 1816 :

> It is the object of the turbulent to represent the British party in Lower Canada as exclusively Protestant, and there may be perhaps some truth in it, but it will be desirable for you to allay as much as possible this jealousy, and there is no so effectual (I believe no effectual) way of conciliating the Roman Catholic laity as by the Clergy. There will be no indisposition here to attend to their Interests and wishes, even tho' this should be unfavourable to the Protestants, if you can come to a right understanding with that Church. I always except the consenting to any law which can in any way increase the power of the House of Assembly, or make the Government in the least more dependent on it.[1]

To Sir John Sherbrooke, who viewed things at close range, the situation appeared in a totally different light. On his arrival at Quebec Sherbrooke was confronted, on the one hand, with Lord Bathurst's ' You should forthwith dissolve ' decree, and, on the other, with a newly elected assembly even more antagonistic than its predecessor. The warnings of Sir James Craig's administration should have taught the lesson that the policy of coercion was doomed to failure. Any change which the appeal to the populace caused was in the substitution of radicals for the more moderate of the French-Canadian party. It was not without cause that Sherbrooke impressed on the Colonial Office the futility of appealing to an arbiter who was most heartily in sympathy with the other party in the contest.[2] His practical mind perceived a fundamental contradiction in Lord Bathurst's instructions. The support of the chief justice and the conciliation of the Roman Catholic clergy were distinctly antagonistic programmes. The Privy Council's certificate of character served but to add to the violence of the opposition to the chief justice. In laying impious hands on their religion and impugning their loyalty Sewell had, in the eyes of the French Canadians, committed the unpardonable sin.

[1] The Canadian Archives, Q 136 A, p. 239.

[2] For a more complete statement of Sherbrooke's opinion on the resort to dissolution see p. 450.

'In such a case as this the Clergy act with double force; and as they have carried the people with them by the combined effect of political and religious prejudice, it was to be expected that there would arise—and there has arisen—against this gentleman throughout both laity and clergy, an infatuated dislike amounting almost to detestation.'[1]

That a distinct change in the attitude of the British government to French Canada was necessary was Sherbrooke's well-reasoned conviction. 'Argument has failed to persuade them; coercion, it is feared, would rather fix the feeling deeper; and it is an opinion much adopted even by well informed and moderate men, that prorogation may succeed to prorogation, and dissolution to dissolution, but that there would sooner be a revolution in the country than in the feelings of the Inhabitants on that point.' As an alternative policy Sherbrooke suggested the appointment of a provincial agent and the isolation of Stuart. The efforts of the assembly to secure the appointment of an agent for the province had been successfully resisted by the legislative council on the ground that the governor was the proper channel of communication between the mother country and the colony. While the exact relation of the agent to the various branches of government varied with the different proposals of the assembly, it was manifestly the purpose of the popular house to retain an effective control over the conduct of that official. The detachment of Stuart, Sherbrooke admitted, was a very delicate matter; yet, if successful, it would rob the assembly of its master genius.

The representations of Sherbrooke were not without effect in altering the attitude of Lord Bathurst. While defending the action of the British government in connection with the impeachments and refusing to abandon Sewell to the prejudices of the populace, he was prepared to consent to the retirement of the chief justice on condition that it could be made 'compatible with his feelings and the honour of the Government.' On the question of a provincial agent Lord

[1] Sherbrooke to Bathurst, October 10, 1816; the Canadian Archives, Q 137, p. 189.

Bathurst displayed much keener political vision than Sir John Sherbrooke. If it were intended that the agent should be responsible to the assembly alone, the measure became entirely inadmissible; if he were to receive joint instructions from the council and assembly, the political situation would be complicated by the addition of another subject of contention. While emphasizing the very great risks involved in approaching Stuart, Lord Bathurst left the matter entirely to the discretion of the governor. Of much greater importance was Lord Bathurst's frank proposal to open the provincial patronage to the French Canadians. The rapid growth of the province demanded an increased civil establishment, which, he submitted, might be supported by the assembly 'if there were a right understanding with some of the Members of the Assembly that His Royal Highness would be disposed to accept your recommendation of such individuals in the Assembly who would in your opinion be best calculated to discharge the duties of the new appointments.'[1] In a serious endeavour to solve a difficult problem of colonial discontent, the conciliation of the clergy of the dominant section of the province and the judicious use of patronage constituted the only remedies which British statesmanship could devise.

Stuart and Papineau

But forces other than those which Lord Bathurst and Sherbrooke were measuring were now shaping the course of political parties in Lower Canada. During the session of 1817 the assembly showed an inclination to revive the question of the impeachments, though there was a section of the French-Canadian party opposed to the policy of inviting further dissolutions. Sherbrooke, by means of very skilful political manœuvring, was able to secure a postponement of the discussion until after the legislative programme had been well advanced. The situation was saved for Sherbrooke as a result of a division in the French-Canadian party. While, during Sir George Prevost's administration,

[1] Bathurst to Sherbrooke, confidential, December 7, 1816; the Canadian Archives, Q 136 A, p. 338.

LORD BATHURST

After the painting by T. Phillips

a bill had been passed granting a salary to the speaker of the assembly during a single parliament, Louis Joseph Papineau, who since 1815 had served as speaker, was not at this time in receipt of a salary. During the temporary absence of Stuart from the legislature an address was presented to the governor requesting the grant of a salary to the speaker of the assembly. Sherbrooke readily gave his consent on condition that a similar provision should be made for Sewell, the speaker of the legislative council. The governor's terms were accepted and, as a result, the support of Papineau and his friends was secured by the executive party, so that when the question of the impeachments was considered, Stuart found himself deserted by the majority of the party which during the two previous parliaments had followed his lead. This *coup d'état* marked the definite ascendancy of Papineau in the leadership of the French-Canadian party. Stuart, unquestionably the ablest man in the assembly, retired from public life and, until his appointment as attorney-general many years later, remained in the political background.

The session of the provincial parliament of 1817 was in many respects the most successful of any since the establishment of representative government. At no time was a greater cordiality exhibited between the governor and the House of Assembly. This happy condition was due chiefly to the political wisdom of Sherbrooke, and also in no small measure, as the governor himself confessed, to the assistance which he received from Papineau. His year's experience had already indicated to Sherbrooke the line which the solution of the Canadian problem should take.

> The great evil of this country, and the most fruitful source of its discussions has been a want of confidence in its Executive Government,—not so much in the character of the Governor, as in the Executive Council, who have come to be considered the Governor's advisers, and whose movements are watched with a jealous suspicion that tends to hamper every operation of Government. For the removing this distrust I conceive that it would be a most useful measure if the Speaker of the

> Assembly for the time being were made a member of the Executive Council (provided that he should become a resident of Quebec) that he might thus be informed of all that is passing.[1]

Although the principle of a responsible executive was not accepted by Sherbrooke, he readily perceived the necessity of securing some bond of union between the executive and legislative branches of the government.

Attention now became directed to the question of the control of the provincial revenue. Territorial and seigneurial dues, fines and forfeitures, duties levied under imperial and provincial statutes provided the public revenue, which in 1815 amounted to £55,000. Of this total less than £29,000 was at the disposal of the crown. For many years the crown revenue had been inadequate to meet the demands of the public service, and the deficiency had been met by drawing on the unappropriated funds in the hands of the provincial treasury. The debt which had accumulated up to 1812 had been repaid to the province by Sir George Prevost. Since that time, however, the British government had drawn on the provincial treasury for nearly £120,000, and was facing the prospect of a steadily growing annual deficit. Under these conditions Sir John Sherbrooke urged the necessity of a definite settlement either by paying the annual debt from the Army Extraordinaries, or by asking the provincial legislature to make provision for the entire civil list. The second course was favoured by Lord Bathurst, who wrote that it would be more advisable that the legislature 'should be annually called upon to vote all the sums required for the ordinary annual expenditure of the Province.'[2] Accordingly, when parliament met in January 1818, Sherbrooke took advantage of the assembly's offer of 1810 to raise supplies, and directed an estimate to be laid before the house of the revenue and the proposed expenditure. By an address of the house the governor was authorized to draw from the provincial funds the

[1] Sherbrooke to Bathurst, April 21, 1817: the Canadian Archives, Q 147, p. 393.

[2] Bathurst to Sherbrooke, August 31, 1817: the Canadian Archives, Q 151 A, p. 125.

amount required to supply the deficiency. This method of voting supply was regarded as merely temporary, and the consideration of a constitutional bill of supply was deferred to the succeeding session.

The state of Sir John Sherbrooke's health had already induced him to request leave to retire and, though more successful than any of his predecessors since the granting of the new constitution, he was becoming thoroughly weary of the duties of his office. In July 1818 he handed over the administration to the Duke of Richmond.

The Duke of Richmond

The Canadian people were highly flattered by the appointment of a governor of the rank and distinction of the Duke of Richmond. When captain in the Coldstream Guards, Charles Lennox had acquired an unhappy notoriety by fighting a duel with the Duke of York. He represented Sussex in parliament from 1790 until his succession to the dukedom in 1806. By 1805 he had attained the rank of lieutenant-general, and in 1807 he was appointed lord-lieutenant of Ireland with Colonel Arthur Wellesley as his chief secretary. In 1813 he removed to Brussels and, though not actively engaged in the campaign, he followed closely the movements leading up to Waterloo.[1] It was his good fortune to have been in the suite of the Duke of Wellington during that epoch-making struggle. The marriage of his second daughter, Lady Sarah Lennox, to Sir Peregrine Maitland, who had won distinction on Wellington's staff, had taken place in October 1815, contrary to the wish of the

[1] The ball given by the Duke and Duchess of Richmond at Brussels on the eve of the battle of Quatre Bras has been immortalized in Byron's familiar lines in *Childe Harold*.

> 'There was a sound of revelry by night,
> And Belgium's capital had gathered then
> Her Beauty and her Chivalry, and bright
> The lamps shone o'er fair women and brave men;
> A thousand hearts beat happily; and when
> Music arose with its voluptuous swell,
> Soft eyes looked love to eyes which spake again,
> And all went merry as a marriage-bell;
> But hush! hark! a deep sound strikes like a rising knell!'

Duke of Richmond, and had produced an estrangement between His Grace and Maitland. The Duke of Wellington, it was said, was much interested in bringing about a reconciliation, and there may have been a special significance in the appointment of Richmond as governor-in-chief of the Canadas, and of Maitland as lieutenant-governor of the upper province.

The assembly was now prepared to consider the means by which its control of the public purse could be placed on a constitutional basis. The estimates for the expenditure for the year 1819 were greatly in excess of those of the previous year, and the assembly was at once inclined to assume an attitude of hostility. The purpose of the British government in appealing to the assembly for supplies was to give a legal sanction to what was formerly an illegitimate use of provincial funds. The consent of the province was asked to the appropriation from the treasury of an amount equal to the excess of the expenditure over the permanent revenue of the crown. This request was given a totally different turn by the assembly. The French-Canadian party saw in this appeal for assistance an opportunity for exercising a control over the administration. The amount of the 'aid' required depended on the manner in which the permanent revenue had been appropriated; hence, if the assembly were to grant such aid intelligently, they must be enabled to supervise the entire expenditure. The assembly was thus brought to assert a claim over the hereditary and statutory revenues of the crown as well as over the proceeds of provincial revenue laws. In its bill of supply, therefore, the assembly doled out funds item by item according as the particular appropriation appealed to its own interest. The assumption of such wicked and unconstitutional powers by the assembly outraged the council's idea of the sanctity and inviolability of the prerogative of the crown. The council professed grave fears for the future.

> Were the bill to be passed into a law, it would give to the commons of this province, not merely the constitutional privilege of providing the supplies, but the power also of prescribing to the crown the number and

CHARLES LENNOX, DUKE OF RICHMOND

From an engraving in the Château de Rameray

> description of its servants, and of regulating and rewarding their services individually, as the Assembly should, from time to time, judge meet or expedient, by which means they would be rendered dependent on an elective body instead of being dependent on the crown, and might eventually be made instrumental to the overthrow of that authority, which, by their allegiance, they are bound to support.[1]

The bill was, of course, defeated in the council. The antagonisms of race and position were now being transformed into a definite political policy.

The Duke of Richmond, although popular personally with the Canadian people with whom he came in contact, was entirely out of sympathy with the claims of the French-Canadian party in the assembly. After the assembly had asserted its position on the question of supply, and had ignored certain of his recommendations, the governor decided to prorogue parliament. His speech on the prorogation was of the same style as the harangues of Sir James Craig, and did much to inflame the spirit of personal bitterness which the three previous administrations tended greatly to allay. Recognizing that success in the contest depended on the extent of the finances, Richmond advised that the imperial parliament should interfere to place the crown in a position of security. The assembly secured a very considerable revenue by renewing an act of 1815 which imposed duties on certain imports, and by passing an act respecting trade with the United States. The Duke of Richmond recommended that both of these acts should be disallowed, and that, so far as possible, the duties should be levied by imperial acts, and their proceeds appropriated by the crown. Such a course would have violated the spirit, if not the letter, of the Declaratory Act of 1778,[2] which limited to the regulation of trade the power of the British parliament to impose duties on colonial imports, and it would most certainly have excited lively resistance within the colony.

The Duke of Richmond was keenly interested in the works of public improvement which were being carried on in the

[1] See the Journals of the Legislative Council, 1819. [2] See p. 427.

provinces, and in particular in the settlements which were being formed within the upper province. While on a visit to the settlement in the Perth district in August 1819, His Grace fell a victim to an attack of hydrophobia caused by the bite of a pet fox some two months before.[1]

On the death of the governor-in-chief the administration devolved on James Monk, the senior Protestant member of the Executive Council, who was in turn relieved by Sir Peregrine Maitland, the lieutenant-governor of the upper province and Commander of the Forces in the Canadas. A proclamation was issued by Monk calling a meeting of the assembly for February 29, 1820, but this order was countermanded by Sir Peregrine Maitland, and the assembly was dissolved. Owing to the remote situation of the County of Gaspe, and the difficulty of access to it, June 1 was fixed as the date for the return of writs for the election in that county. This circumstance placed the government in an awkward dilemma. The provision of the Constitutional Act requiring a session of the council and assembly at least once each year made it necessary that the house should be convened before April 24, but by that time the assembly was not fully constituted. Whether or not the point was well taken, the assembly on its meeting in April persisted in the position that it was incompetent to proceed to the dispatch of business. This issue seemed likely to create a deadlock in which the legislative function would be suspended, when the arrival of the official notification of the death of George III afforded a constitutional pretext for a dissolution.

[1] Various accounts have been given of the manner in which the Duke of Richmond received the infection. The Duke's daughter, Lady Louisa Lennox, who married the Right Hon. William Tighe, accompanied her father on part of this journey of inspection and was familiar with the circumstances attending her father's death. Writing in 1898, at the age of ninety-five years, she says: 'I well remember my Father and A.D.C.'s . . . we went to Sorelle a Government House on the River Richelieu for 2 or 3 days on our way to Montreal when my Father came into our Room with a Handkerchief over his Hand saying that the Nasty little Fox had attacked Blucher a pet spaniel always with my Father and that he had saved Blucher but the Fox had bitten his Hand.' There seems to be little evidence in support of the theory, based on a letter from Charles Cambridge to Lord Bathurst (the Canadian Archives, Q 153-1, p. 112), that the Duke had been bitten by a pet dog which had licked the blood from a cut received while shaving.

Lord Dalhousie

The British government had already selected as governor-in-chief of the Canadas Lord Dalhousie, who took over the administration in June 1820. Lord Dalhousie, the ninth earl in the peerage of Scotland, had commanded the seventh division of the army during the Peninsular campaign, and since 1816 had served as lieutenant-governor of Nova Scotia.

The question of the control of supplies was about to be reopened. Lord Bathurst was unable to endorse the policy of coercion proposed by the Duke of Richmond, because it seemed to violate the pledge of parliament given in 1778, yet he suggested other means as stringently coercive, though operating within constitutional limits. It was the purpose of the British government to secure from the assembly the grant of a fixed annual supply for the expenses of government during the life of the sovereign. Lord Bathurst was not so optimistic as to expect that the assembly would complacently accede to this request. The next step depended upon local conditions. The governor had already expended £73,000 from the unappropriated funds of the province without any legal authority, and was, according to strict right, responsible for its restoration. In the event of the assembly demanding the payment of this amount, Lord Bathurst's instructions were to advance a claim on behalf of the British government for 'those large sums expended during the course of the War on Services purely Colonial which would far more than cover any payments which may have been made from the unappropriated monies.'[1] According to an estimate of the Duke of Richmond the civil list could be reduced to £40,000, and of this the governor retained control over £23,000. Dalhousie was privately authorized to draw £12,000 from the Army Extraordinaries and, if possible, reductions were to make up the remaining £5000. In this manner it might be possible to conduct the government independently of the assembly. Should this policy prove impossible, the only alternative was to purchase a grant of a permanent supply by means of

[1] Bathurst to Dalhousie, September 13, 1821; the Canadian Archives, G 11, p. 188.

concessions, preserving inviolate, however, the principle of a permanent civil list.

With the policy of the Colonial Office Lord Dalhousie was in hearty sympathy. In his view 'His Majesty's government must direct, and the more firm its rule according to the Constitutional Law, the better it will be found to answer the character and disposition of the people, and the present circumstances of the Country.'[1] The governor laid before the assembly of 1821 an estimate of the vote required, divided into six classes in order to suggest a compromise agreeable to the assembly's idea of a detailed vote. Although, on the one hand, certain minor reductions were made in the amounts and, on the other, supplies were granted which were not requested by the governor, the classification proposed by Dalhousie was accepted. Still, the assembly resolutely refused to grant a permanent supply, contending that the conditions of the colony rendered the establishment of a permanent tax impracticable.

The legislative council, before it received the appropriation bill, stated its position on the question of supply. In a series of resolutions the council declared its intention to refuse to consider any supply bill unless it had been applied for and recommended by the king's representative, or unless the amount voted had been specified by the governor and was granted during the life of the king. The assembly's bill violated every principle stated by the council and received scant mercy. The readiness of the assembly to contribute to the support of government was manifested through their voting, by an address of the house, a sum in excess even of the amount asked by the governor. But here again the council interfered, and Dalhousie felt himself compelled to support what the council conceived to be its constitutional right by refusing the offer of the assembly. The attitude of the governor and legislative council on this occasion, while in accordance with Lord Bathurst's instructions, most effectively closed the door to any compromise with the assembly. During the following session the assembly definitely rejected

[1] Dalhousie to Bathurst, July 14, 1820: the Canadian Archives, Q 153, pt. 2, p. 308.

a resolution favouring the granting of a permanent provision for the support of civil government. More active measures of resistance were taken; temporary revenue laws were permitted to expire, and the receiver-general was forbidden to appropriate the funds of the province without express legal authority.

A Scheme of Union

Unfortunately Upper Canada was made the scapegoat for the political sins of the lower province. Upper Canada's geographical position placed her in complete dependence on Lower Canada for the levying of duties on imports. From time to time commissioners had been appointed by each province to determine the proportion of the revenue to be assigned to each. In May 1817 an agreement had been reached by which Upper Canada was to receive one-fifth of the duties collected in Upper Canada, and by a statute[1] of the following year the agreement was made effective until July 1, 1819. Amidst the political distractions of 1819 and 1820 this statute was permitted to expire, and Upper Canada faced the unpleasant prospect of an empty treasury. Commissioners were appointed in 1821 for the purpose of making a new division of the revenue, but no agreement could be reached. Under these circumstances Upper Canada was compelled to appeal to the imperial parliament for redress.

The necessity of protecting the financial interests of Upper Canada required the intervention of the imperial parliament and directed attention to the troubled state of Lower Canada. The occasion was seized by certain interested parties in Lower Canada to promote a scheme which should, at a single stroke, restore peace and order, and should guarantee the inviolability of the sacred prerogatives of the crown. The English commercial interests in Montreal and Quebec conceived that the time was ripe for a reunion of the Canadian provinces, and through the influence of their agent, Edward Ellice, seigneur of Beauharnois, the ministry was induced to propose a bill combining the settlement of the trade relations of the two provinces with a scheme of union.

[1] 58 Geo. III, cap. 4.

The obvious purpose of the union proposals was to counteract the influence of French Canada by throwing the English population of Upper Canada in the balance against it. The suggestion had not even the virtue of novelty to commend it. As early as 1810, during the stormy years of Sir James Craig's administration, Chief Justice Sewell had proposed the union of the provinces, and had even gone the length of advocating such a basis of representation as would give to the British minority a control of the united legislature. In 1818 a very interesting and elaborate scheme had been suggested for the erection of the Canadas into an independent kingdom under the sovereignty of one of the younger members of the British royal family. The change involved the creation of a colonial aristocracy to be augmented by British peers whose fortunes were more capable of sustaining the dignity of this order in the colonies than in the motherland. The advantage claimed for this proposal was that it would effectively solve the question of British connection, and would supply a form of government best suited to colonial conditions.

On its financial side the Canada Act of 1822 regulated the commerce between the United States and the Canadian provinces, and determined the duty to be levied on imports consisting of certain commodities of common consumption. Upper Canada was awarded one-fifth of the revenue collected between the years 1819 and 1824, and provision was made for the appointment of arbitrators who should investigate claims for arrears, and determine every four years the proportion of the dues to be allowed to each province. In order to protect the upper province against imposition, it was directed that no revenue law of Lower Canada affecting the other province should be valid until it had been submitted to the imperial parliament, or had received the concurrence of the council and assembly of Upper Canada.

The problem of government was to be solved by a legislative union of the provinces. The newly formed assembly was to consist of not more than one hundred and twenty members, sixty from each province. In the property qualification of £500 for members a guarantee was to be secured that the habitants and shopkeepers of Lower

Canada should no longer determine the legislation of the province. Harmony between the executive council and House of Assembly was to be preserved by the provision that two members of the council of each province were to have seats *ex officio* in the assembly, where they could explain the policy of the government, though deprived of the power of voting. The proceedings of the united legislature were to be kept in the English language alone, while after fifteen years English was to be the language of debate in the house. The supremacy of the crown in ecclesiastical affairs was reasserted and extended to the control of the patronage of the church. In order to encourage the adoption of English land-tenure provision was made by which persons holding land *in fief and seigniory* should be able, on application to His Majesty, to secure a change to tenure in free and common socage, and at the same time His Majesty was empowered to commute the *cens et rentes* of persons holding lands of the crown and to return them in freehold tenure.

The union scheme aroused little enthusiasm in Upper Canada. The upper province did not relish the prospect of playing the rôle of the innocent lamb to gratify the selfish interests of the English minority in Lower Canada. It was certain that the union was designed to swamp one party in the Canadas, but in Upper Canada there were honest doubts as to which party would survive. The population of Upper Canada was barely 150,000, while that of the sister province was nearly three times as great, and less than ten per cent of it was English-speaking. The Compact party in Upper Canada, represented by John Beverley Robinson and John Strachan, was distinctly opposed to the union for the reason that it seemed ineffective to obtain the results desired. They frankly admitted the fear of the extension of French-Canadian and Roman Catholic influence to Upper Canada, and the alliance of the anti-bureaucratic forces of both provinces in a determined opposition to the government. With unquestionable right Robinson asked what had transpired to make the reasons for the division in 1791 no longer effective. The interest of Upper Canada was confined to the financial issue, which could not be urged as a sufficient justification for such

sweeping constitutional changes. The reform party, though not sharing in the alarm of their fellows, was decidedly indifferent. On the whole, union found no active support in Upper Canada, while it was strenuously opposed by an influential section of the province.

In Lower Canada opinion on the union question naturally followed party lines. The purpose of the union scheme could not be easily concealed, and French Canada was thoroughly aroused to the danger which lurked in this hidden attack on its nationality. On Papineau's suggestion the opposition to the union was definitely organized in each of the districts of the province, and a monster petition was signed protesting against the bill. The statement of such a clear issue seemed to reveal the exact strength of the opposing parties in Lower Canada, and it became evident that there were many English-speaking Canadians who were out of sympathy with the bureaucracy. Papineau and John Neilson of the Quebec *Gazette* were nominated as agents to present the petition and to defend the rights of the majority before the British parliament. While the issues at stake were of less vital importance to them, the English minority was equally active in support of the union. James Stuart, the deposed leader of the French-Canadian majority and the foremost advocate in the province, was retained to promote the passage of the bill. Yet, despite the activity which was manifested, the union scheme did not secure the support among the English inhabitants that would have been expected. Even the legislative council, the stronghold of the bureaucracy, despite the protests of the ultra-British faction, passed a resolution in opposition to the union.

The opposition to the political features of the bill was so emphatic that the government was compelled to withdraw the bill in the form in which it was introduced. Nevertheless the trade relations between the two provinces demanded adjustment, and the financial features of the measure, together with the provisions respecting land tenure, were preserved in what was known as the Canada Trade Act.

The introduction of an act of union under the peculiar

conditions then existing is a very significant evidence of the attitude of the Colonial Office towards Canadian affairs. While the bill in its initial stages was not actively promoted by the colonial secretary, it nevertheless received his approbation and was, for a time at least, adopted as a government measure. The motives which prompted the framing of the bill were utterly unworthy of British statesmanship. The promoters of the scheme would have swept aside the nationality of a vigorous, peaceful and loyal people. The divine right of the conqueror, the sanctity of prerogative and of special privilege were still the factors which determined colonial policy. Judged by the standards which its promoters imposed, the Canada bill would have proved a hopeless failure. Its provisions revealed a deplorable ignorance of Canadian conditions which alarmed such tried and faithful friends of authority as Robinson and Strachan. British colonial thought had not yet struck a basis broad and solid enough to support the idea of a self-governing colony, nor had the knowledge of actual conditions in the colonies permeated far enough into British officialdom to prevent inglorious mistakes.

Control of Supply

While the struggle over the finances still continued, the union bill for a time served to absorb attention. On the decision of the government to withdraw the measure, and with the return of Papineau, the contest was renewed with redoubled vigour. The situation was now complicated by the defalcations of John Caldwell, the receiver-general of the province, to the extent of £96,000 sterling. The receiver-general was an officer of the imperial government, and acted under instructions issued by the commissioners of His Majesty's Treasury, so that the provincial assembly had no means of exercising a control over the accounting of their revenue. For several years the commissioners of the Treasury had not made a regular audit of Caldwell's accounts, and it was owing to their negligence in not requiring adequate security and in not maintaining a supervision of the accounts that the defalcations were possible. The assembly took the

view that the British government alone was responsible for the loss, and in an address to the crown requested that the arrears should be made good. The settlement of this question was delayed until 1826, when the commissioners of the Treasury declared that they could not admit that 'the province of Lower Canada has any legal or equitable claim upon the government of the United Kingdom of Great Britain and Ireland, to make good the loss which has been sustained by the insolvency of Mr Caldwell.'

The announcement of the insolvency of the receiver-general produced consternation in the assembly. The assembly was strongly inclined to censure the government for having permitted the defalcations to take place, as it had been evident for some time that Caldwell was unable to meet properly the demands on the Treasury. The estimates sent down by the governor in 1824 divided the expenditure into two distinct classes—the one, the expenses of civil government and the administration of justice; and the other, the charges for local and provincial establishments. The payment of the first was to be met by the permanent revenue of the crown, while the assembly was called upon to provide for the second. The assembly, disregarding Lord Dalhousie's classification, voted the amount for each office item by item, and reduced each salary, from the governor downwards, by one quarter. The debate on supply grew particularly bitter, especially on the part of Papineau, who assailed the governor personally in a most unwarranted manner. In the form in which the bill was presented the council did not hesitate to throw it out.

In June 1824 Lord Dalhousie returned to Britain, partly to attend to personal affairs, and partly to discuss the Canadian situation with the home government. Sir Francis Burton, who since 1808 had held the commission of lieutenant-governor, arrived in the colony in 1823, and was now entrusted with the administration of the government. During his year's residence in the province Sir Francis had become intensely popular with the French-Canadian people and, it cannot be denied, cherished the ambition of effecting a reconciliation between the assembly and the executive. In sub-

mitting his estimates to the assembly he avoided the classification adopted by the governor-in-chief, yet he was careful to ask the assembly for a grant of supply equal to the difference between the permanent revenue and the total estimate. The modification in the form of the estimates was construed by the assembly as a surrender of the control of the permanent revenue, which, however, was quite contrary to the intentions of the lieutenant-governor. A most ingenious device was invented by the assembly in order to meet the apparent wishes of the executive without surrendering its claim to control. The detailed appropriation of the revenue was fixed by resolution of the house, and in this appropriation several reductions were made on Burton's estimate. In the bill of supply, however, a sum, not specified, which, in addition to the permanent revenue, should bring the total appropriation to the amount already determined by the assembly, was voted 'for the purpose of defraying the expenses of the civil government of this province, and of the administration of justice therein, and the other expenses for the said year.' In the discussion in the assembly the claim was freely put forth that, while in the bill itself no mention was made of the specific appropriations, the executive was bound to consult the recorded wish of the assembly in its application of the revenue.

Whether or not the real intent of the bill was understood in the council, it was favourably received and passed with only two dissenting voices. But this innocent-looking measure had not yet run the gauntlet of the Colonial Office. Lord Bathurst considered it in direct antagonism to his instructions of 1820 and 1821 to preserve inviolable the permanent revenues of the crown. While it was not proposed to go the length of disallowing the act, Lord Bathurst's disapproval of the policy involved in the measure was unquestionable. Sir Francis Burton was mildly censured for having consented to such a compromise—a censure which was admitted to have been unjust when it became known that Lord Dalhousie had taken with him to Britain the instructions which had been violated. However innocent in its form the act may have been, the assembly had not in passing it receded one

iota from its former position, and the obvious intent of the measure was to retain control over the crown revenue. Consistent with the policy which had been accepted in 1818, and reaffirmed annually since then, Lord Bathurst had no alternative but to disapprove of the measure.

The assembly, frustrated in a manœuvre which gave promise of success, became even more determined in its opposition to the contentions of the executive. In 1826 it followed the course of the preceding year, which, after Lord Bathurst's decision, could have had only one result. In the following year Lord Dalhousie adopted a new plan in submitting the estimates. The appropriations for the support of the civil government and the administration of justice, payable from the permanent revenue of the crown, were withheld, and only the estimates of the expenses to be paid by the assembly were submitted to the house. This unexpected move carried the war into the camp of the enemy, and drove the assembly to adopt more drastic measures than it had hitherto contemplated. Its position was stated in a series of resolutions virtually refusing to vote a supply. The house declared that it did not sanction ' any payments made out of the public revenue of the province which have not been authorized by an act of the Legislature, or advanced on an address of the House.' [1] It affirmed its willingness to grant supply on the basis of the bills of 1825 and 1826, but found that the estimates submitted by Lord Dalhousie 'do not afford this House an opportunity of granting such a supply.' Although the twelfth parliament had held only three sessions, Lord Dalhousie decided on a dissolution.

Lord Dalhousie and Papineau

The election which followed was marked by the utmost bitterness and the wildest extravagances of statement. Lord Dalhousie was pictured as a political renegade, plundering the public purse and plotting the subversion of the language, the customs and religion of the French-Canadian people. He was the arch-traitor boldly deceiving the

[1] See the Journals of the House of Assembly, Lower Canada.

British government that he might impose his ruthless tyranny on an innocent and impotent populace. In the denunciation of the governor no one was more violent than the speaker of the assembly. The splendid powers of declamation which nature had lavished on Papineau were never subverted to less noble purposes. The campaign of personal abuse was successful, and Papineau emerged with a following which constituted nearly the entire membership of the house. The great tribune was conducted in triumph to Quebec to attend the meeting of the assembly, and excitement ran to a fever heat throughout the province. On the assembling of the house Papineau was selected as speaker, and with his retinue proceeded to Castle St Louis to receive the confirmation of the governor. The conduct of the speaker-elect during the previous campaign had made it impossible that Lord Dalhousie could maintain communication with him, and, however much he may have respected the wish of the assembly, he could not, consistent with his dignity as representative of the crown, assent to its selection of a speaker. The members of the assembly persisted in their choice of Papineau, and affirmed that the governor's sanction of the selection of a speaker was a merely formal proceeding which the constitution of the assembly did not require. The governor remained firm in his refusal of Papineau, and, there being no prospect of concessions from either party, the assembly was forthwith prorogued.

It had become very evident that affairs had reached a crisis which required the interference of the imperial parliament. The necessity of appealing to a British audience now determined the character of the political propaganda in Lower Canada. The French-Canadian party was compelled to cater to two constituencies widely different in political instincts and experience.

In order to win elections and to maintain a very necessary *esprit de corps*, the party was compelled to masquerade in the grotesque forms and gaudy colours which appealed to the unlettered. To enlist the sympathy and support of the British public trained in the discernment of constitutional issues, the nationalists assumed the garb of the champions

of constitutional government and popular freedom against the arbitrary sway of a selfish and incapable bureaucracy. Between these two extremes all shades of opinion were represented. The real French-Canadian nationalism of the pre-rebellion period is neither the vulgar and cowardly abuse of an enlightened and capable governor, nor yet the dignified, disinterested defence of constitutional liberties. French-Canadian nationalism was bent on the perpetuation of the cherished ideals of the French-Canadian race, and on capturing, to this end, the reins of government in Lower Canada.

After the prorogation the rival parties directed their energies to the preparation of statements of grievances intended for British consumption. In Quebec and Montreal petitions were prepared which significantly reveal the factors determining the course of the popular party. At Quebec, where the influence of John Neilson, a genuine constitutional reformer, was felt, the grievances of French Canada were presented in the most effective manner. Emphasis was laid on the constitutional issue. The legislative council, the weak point in the government's defences, was made the centre of attack. Seeing that it was composed of persons dependent on the executive, there was force in the statement of the assembly that the legislative council 'is in effect the executive power, under a different name, and the provincial legislature is in truth reduced to two branches, a governor and an assembly.' On the legislative council was placed responsibility for the rejection of bills 'for encouraging education, promoting the general convenience of the subject, the improvement of the country, for increasing the security of persons and property, and furthering the common welfare and prosperity of the province.' The administration of the public finances was criticized on the ground of negligence in protecting the Treasury and of extravagance in the expenditure. The system of granting the crown lands by which large portions of lands were held without improvement, to the great detriment of adjoining settlements, was represented as an effective obstruction to the progress of the province. On the other hand, the petition from Montreal, where

Papineau's activity centred, assumed the form of a bill of indictment against the governor-in-chief. After reciting a catalogue of Lord Dalhousie's offences, the petition declared that he had created a sentiment of alarm and discontent throughout the province, lowered the authority of the judicial power in the opinion of the public, weakened the confidence of the public in the administration of justice, and inspired throughout the province an insurmountable sentiment of distrust, suspicion and disgust against his administration. These charges afforded sufficient justification for the recall of the governor. The English inhabitants of the Eastern Townships represented that they had been steadily refused representation in the House of Assembly. Their attempts to secure registry officers and competent courts had been defeated by the reactionary French-Canadian assembly.

After fifteen years' service as secretary of state for War and the Colonies, Lord Bathurst retired on the formation of the Canning ministry in April 1827. He was succeeded by Frederick Robinson, recently created Viscount Goderich, who, however, on succeeding Canning as head of the ministry in August of the same year, handed over the control of colonial affairs to William Huskisson. Huskisson's tenure of office was destined to be brief, for on May 28, 1828, he gave way to Sir George Murray, who in turn two years later retired in favour of Lord Goderich.

The Canada Committee

The petitions of the rival factions in Lower Canada brought the Canadian question in definite form before the British parliament. Huskisson asked for the appointment of a special committee of the house to investigate fully the government of Canada. The occasion was significant in representing an honest endeavour to face a problem in colonial government now regarded as serious, and involving the fundamental issues in the relationship between the mother country and a dependency. The advantage of retaining Canada was freely questioned. To Huskisson the desertion of Canada would have been a crime against the honour of Britain. 'Whether Canada is to remain for ever

dependent on England, or is to become an independent state—not, I trust, by hostile separation, but by amicable arrangement—it is still the duty and interest of this country to imbue it with English feeling, and benefit it with English laws and institutions.' As a solution of the specific question in dispute, Huskisson proposed a division in the control of the public revenue. The executive should retain direction of the funds necessary to supply the civil list, while the assembly should appropriate the money necessary for internal improvements.

In its investigation into the affairs of Lower Canada the parliamentary committee received the evidence of Samuel Gale, the agent of the English inhabitants; of Edward Ellice, an English seigneur ; of John Neilson, Denis Benjamin Viger and Augustin Cuvillier, agents of the French Canadians; and of James Stephen and Wilmot Horton of the Colonial Office. The value of the committee's report may be judged from two features—its diagnosis of the case and its remedy. While serious defects in the constitution of the colony were found, the committee was of opinion that the prevailing evils were to be attributed mainly to the manner in which the system of government had been administered. No amendment of the written constitution was suggested ; union was definitely rejected as unpractical and impolitic. The appointment of fewer public officials to the legislative council and the exclusion of judges—the chief justice excepted—were recommended in order to render the council independent. While insisting on the strict legal right of the crown to appropriate the revenues arising from the Quebec Revenue Act, they advised that the receipt and expenditure of the whole public revenue should be placed under the control of the assembly. On the other hand, they strongly urged the advantage of rendering the salaries of the governor, the members of the executive council, and the judges independent of the annual vote of the assembly. In the opinion of the committee none of the improvements which they suggested would be effective 'unless an impartial, conciliatory and constitutional system of government be observed in these loyal and important colonies.'

The report of the Canada Committee was a well-intentioned but utterly inane endeavour to reconcile colonial self-government with an irresponsible executive. The fundamental causes and the real significance of the disturbance in Canadian government were not discovered. For this reason the remedies suggested were inadequate. Had the policy outlined been suggested twenty years earlier, it might have been effective in reconciling French Canada to the irresponsible rule of a British governor. Now that French-Canadian nationalism had been transformed into a party creed, and had been given an instrument with which to assert its domination, the day for superficial measures had passed.

Sir James Kempt

Before the appointment of the Canada Committee Lord Dalhousie had been selected as commander-in-chief of the forces in India, and was directed to take charge of his command as soon as conditions in Canada would permit. Accordingly, on September 8, 1828, he handed over the administration to Sir James Kempt. His administration had not been successful, yet few men could have handled the situation as did Lord Dalhousie. Between the policy of the Colonial Office and the demands of French Canada he was placed in an impossible situation. He at least succeeded in keeping the government moving when with a weaker man anarchy would have reigned. Lord Dalhousie cherished a warm admiration for His Majesty's French-Canadian subjects, and it was his honest endeavour to promote every measure of conciliation compatible with his instructions. His failure must rather be attributed, on the one hand, to the exalted complacency of the Colonial Office, and on the other to the extravagances of the irresponsible leaders of colonial opinion. Few governors displayed a more intelligent interest in the welfare of the province, and few left more fitting monuments to a zeal for peace and prosperity. During no period in its history had the province made such marked material progress. His interest in the intellectual life of the province was manifested by his patronage of the Quebec Literary and Historical Society, and his zeal for the

reconciliation of the French and English races found a graceful expression in his activity in securing funds for the erection of a monument to Wolfe and Montcalm.

The new governor, Sir James Kempt, was no stranger to Canadian affairs. In 1807 he had been appointed quartermaster-general of the Canadian forces, and had viewed at close range the political skirmishes of Sir James Craig. He returned to Britain with Craig in 1811 in time to take a hand in the Peninsular campaign. His military record was particularly good, and at Waterloo he was placed in command of a brigade. In 1820 he was appointed, in succession to Lord Dalhousie, to the government of Nova Scotia, where the problem of the relation of the executive to the legislative branch of government was being solved in a peaceful and constitutional manner. If the Canadian issue could be settled by the application of rational principles, Sir James Kempt was pre-eminently the man whom Canada needed.

The Canada Committee's policy of conciliation was now to be given a thorough test. With the spirit of such a policy the governor was in perfect harmony, and, in fact, seemed anxious to put himself to unnecessary trouble in order to win the confidence of the leaders of the French-Canadian party. Papineau was accepted as speaker of the assembly, and to all appearance the house opened with every prospect for the preservation of perfect harmony. The recommendations of the Canada Committee were embodied in definite instructions to the administrator, which were in turn communicated to the assembly. As a temporary settlement of the financial issue Sir George Murray proposed that the surplus remaining from the crown revenue after the salaries of the officers of government and the judges had been paid, should be placed at the disposal of the House of Assembly. This offer of a compromise received but scant approval from the assembly. 'Under no circumstances, and upon no consideration whatsoever, ought the House to abandon or in any way compromise its inherent and constitutional right, as a branch of the provincial parliament representing His Majesty's subjects in this Colony, to superintend and control the receipt and expenditure of the

whole public revenue arising within this province.' Not content with this statement of right, the assembly proceeded to deny the value, as tending to a permanent settlement of the financial question, of legislation by a parliament in which the Canadian subjects were not represented, unless it were for the repeal of British statutes militating against the constitutional rights of the subject. The solution of the financial problem was as far removed as ever. During the two years of Sir James Kempt's administration supply was voted in the same manner as in Sir Francis Burton's 'settlement,' and the bill was accepted by the council and the British government.

The conciliatory attitude of Sir James had at least the effect of improving the temper of the assembly, and the session of 1829 established a record for the amount of legislation passed. The assembly at last agreed to a redistribution which would permit of a more equitable representation of the Eastern Townships. A new division into counties was made, and the membership of the assembly was increased to eighty-four. In the following year another grievance was removed by the establishment of registry offices within the counties of Drummond, Missisquoi, Sherbrooke, Shefford and Stanstead.

The voting of supply in 1830 was made the occasion for a statement of grievances by the House of Assembly. Apart from the settlement of the financial question the composition of the legislative council and the participation of the judges in politics were represented as the chief abuses. As a means of controlling the executive council and public officials the assembly was inclined to resort to the direct method of impeachment, and accordingly represented the great need of 'a competent and independent tribunal within the province, before whom impeachments by this House may be heard and determined according to parliamentary usage, and a real and efficient responsibility and accountability be established in offices of high public trust.'[1] The constitution of both the executive and legislative councils was seriously considered by Kempt, but the extent to which he was inclined

[1] See the Journals of the House of Assembly, 1830.

to advocate reform was merely the appointment of fewer functionaries, and including two or three of the leaders of the assembly in the executive council.

Sir James Kempt, becoming persuaded of the futility of his efforts to stem the tide of insurrection, asked to be relieved of his command. His administration served at least to lull the storm in Canadian affairs ; his personal attitude towards the French Canadians was effective in blocking the stream of personal bitterness which had disgraced the closing years of the preceding administration. Yet the fundamental issues separating parties in Lower Canada remained unchanged and unreconciled. To the final solution of the Canadian problem nothing material had been contributed, and the question descended, acute as ever, to tax the resources of his less fortunate successor.

Lord Aylmer

In October 1830 Sir James Kempt was relieved by Lord Aylmer. Although he could boast of a very distinguished military career, Lord Aylmer had little experience in the administration of civil government. Whether to his advantage or not, he approached the Canadian situation as a total stranger, free from prejudice and from embarrassing connections with either of the contesting factions.

His administration witnessed a series of rapid movements which visibly transformed the complexion of the French-Canadian party, and committed it to a definite policy which led inevitably to the resort to violence. Aylmer inaugurated his administration by insincere and extravagant protests of admiration for the French-Canadian people, transparent pretences which, while antagonizing the leaders of the English minority, failed to impress the most innocent of the French Canadians. The financial issue was settled by being placed definitely beyond the sphere of settlement. In a thoroughly creditable spirit of conciliation the British parliament in 1831 transferred to the control of the provincial legislature all the revenues of the crown collected under the Quebec Revenue Act, amounting to over £30,000 annually, and in return requested that the provincial assembly

should make provision during the life of the sovereign for the salaries of the leading civil officers and the judiciary to the extent of £19,500. This generous offer the assembly saw fit entirely to ignore, and proceeded to vote supply on the basis of the act of 1825. The attitude of the assembly on this occasion revealed to the Colonial Office the real character of the party in control of the assembly. In a message to the House of Assembly Lord Aylmer stated succinctly the only conclusions which its action would justify.

> As the House did not deem it right to return any answer to those communications explanatory of their reasons for declining to comply with His Majesty's demands on their liberality, His Majesty can only infer that those demands have not been thought worthy of any other notice than that which is implied in the peremptory and unqualified rejection of them. Under such circumstances His Majesty will not revive the discussion of the question of the civil list, but will provide for those charges out of those funds which the law has placed at His own disposal, being persuaded that he will thus best consult his own dignity and must effectually promote the good understanding which he is ever anxious to maintain with the House of the General Assembly of this province.[1]

The surrender of control over the crown revenues by the British government, and the refusal of the assembly to grant a permanent civil list, were most significant incidents in the course of Lower Canada's political combat. On the one hand, in a struggle in which the power of endurance became a determining factor, the British government cast aside those very resources which would have enabled it to prolong the fight. To restore its sinews of war the government was compelled to resort to expedients which became the legitimate cause of further political grievances. On the other hand, the assembly effectually discredited itself as a serious and responsible instrument of government. It demonstrated that it was not amenable to those considerations which must determine the conduct of a body claiming recognition as an integral factor in a system of constitutional government.

[1] See the Journals of the House of Assembly, 1832.

The Programme of Nationalism

The financial question served to bring into relief the constituent elements composing the opposition to the executive—constitutional reformers and moderate nationalists working in concert, radical and reactionary nationalists composing the party of militant nationalism. John Neilson, the strict constitutionalist, P. D. Debartzch, Augustin Cuvillier and Frederick A. Quesnel, the moderate nationalists, perceiving the fatal and inevitable result of such irrational proceedings, gradually withdrew their support from Papineau, and formed the nucleus of the liberal reformers who at a later and less tempestuous time, under the leadership of La Fontaine, were to remove discredit from the French-Canadian race by assisting in the evolution of a system of responsible party government. In addition, the refusal to grant supply aggravated the internal dissensions which since 1822 were creeping into the *patriote* party. In the town of Quebec any policy which impaired the spending power of the government and of its officials was unpopular for obvious reasons. The French Canadians of Quebec, much to the disgust of their more zealous and disinterested confrères of Montreal, did not perceive the wisdom of removing the loaves and fishes from their own tables. From 1832 onwards the party of militant and irresponsible nationalism maintained the ascendancy, and the district of Montreal became the centre of its activity.

The participation of the judges in party activity was a very real grievance in Lower Canada, and the assembly was entirely justified in endeavouring to secure a guarantee of their independence. Since the investigation of the Canada Committee the British government had appointed no judges to the legislative council, and those already holding seats, the chief justice excepted, were unofficially informed that they would be excused from attendance. In so far as the legislative council was concerned, although no legal guarantee existed that it should be maintained, the independence of the judges was already secured. The assembly, however, in 1832 passed a bill, which received the

consent of the council, disqualifying judges from sitting in the executive and legislative councils. The same measure provided that the salaries and retiring pensions should be paid from 'the casual and territorial revenue, and the revenue now appropriated by acts of the provincial parliament for defraying the charges of the administration of justice, and the support of the civil government, and out of any other public revenue of the province which may be or come into the hands of the receiver-general.' This condition involved the admission of the right of the provincial parliament to appropriate the entire public revenue, and at the same time denied a permanent provision for the judiciary. The principle of 'tacking,' in itself vicious, had long since been abandoned in Britain, while the conditions imposed by the assembly made it impossible that the British government could accept the measure. The manifest purpose of the nationalist party was not to secure 'the independence of the judges,' but to place them under the direct control of the assembly by making them dependent on the assembly's pleasure for the salary of their office.

More important still in the nationalist programme was the reform of the legislative council. The council, the subservient creature of the governor, had been the arch-offender since the days of Craig. It was in the legislative council that all the plans of the assembly met their cruel fate. The council stood directly between the assembly and control of the government. The remedy suggested in 1831, and embodied in definite form in the following year, was the introduction of the elective principle into the constitution of the council. Members of council were to possess property of the value, in the country of £100, and in the towns of Quebec and Montreal of £200, while the council was to be elected by persons possessing property of £10 and £20 respectively for the country and town districts.[1]

The assembly's scheme of reform contained much that would have commended it under other circumstances. It effectively abolished control of the legislature by the executive, and it assured the selection of men who had a definite interest

[1] For a more complete description of the constitution of the council see p. 466.

in the welfare of the province. Presented as it was, however, the proposed reform was designed as a means of eliminating the upper chamber as a law-making body, and constituting the assembly the sole legislative power in the province. Coupled with this reform was the proposal, contained in the bill to render the judges independent, that the council should be constituted a court for the trial of impeachments against any person or persons for any crime, misdemeanour, or malversation in office committed in this province. Three elements composed the assembly's scheme of responsible government. Supremacy in legislation was to be maintained by removing a refractory council ; administrative supremacy was to be secured by the control of the finances, and by rendering public officials liable to impeachment before a body in sympathy with the assembly. An elective council ensured the legislative supremacy of the assembly, while the control of the purse, and the right of impeachment of public officials before an elective tribunal, guaranteed a practical control over the administration of government.

The British government regarded with slight favour the demand for an elective council. The council afforded the British minority its only protection, and provided a guarantee that British connection would be maintained. The integrity of the empire depended on preserving a council nominated by the crown. The impeachment device, however necessary it might be in connection with the judiciary, was, in the mind of the British government, given an unwarranted extension by the assembly.

As a means of promoting unity between the executive council and the assembly, Lord Aylmer, in May 1831, appointed to the council Philippe Panet, a prominent member of the French-Canadian party in the assembly. Panet was regarded as the organ of the council before the popular house, conveying the governor's messages, and explaining, when required, the policy of the executive. The appointment of Panet, who unquestionably possessed the confidence of his fellows, was regarded with distinct favour, and, if it did not indicate a tendency in the direction of the responsibility of the execu-

tive, it at least inspired a greater popular confidence in the executive council. In November of the following year Panet was promoted to the Court of King's Bench, and of course vacated his seat in the House of Assembly. The position of executive representative in the assembly was filled by the appointment to the council of Dominique Mondelet, who during a single year had represented the County of Montreal in the legislature. The choice of a French Canadian of little legislative experience, and too young to have won a permanent position in his party, may not have been the best which the executive could have made. In any case Mondelet's selection raised a storm of protest from the assembly, not on personal, but on constitutional grounds. For having accepted an office of emolument under the government Mondelet was declared to have vacated his seat in the assembly, and an order was given directing the issue of a writ of election.

The action of the assembly revealed a strange combination of inconsistency and party animosity. Since the time of Sir James Craig the nationalist complaint had been that French Canadians were excluded from a share in the patronage ; when, in 1832, a member of their own race was appointed to the executive council, not as a reward for his services to the administration, but because he was a French Canadian, he was promptly disowned. Only a year before the party had been flattered by the appointment of one of its members to the same position, and no exception was taken to the proceeding. In point of fact the assembly was acting unlawfully in declaring Mondelet's seat vacant: Mondelet had not accepted an office of emolument, and had he done so, a resolution of the assembly alone would have been invalid to disqualify him from membership in the assembly. The difficulty of adapting French-Canadian nationalism to the necessary conditions of responsible government was already becoming manifest. A French Canadian, on becoming a servant of the crown, ceased to be a consistent nationalist, betrayed his race and was no longer worthy of their confidence.

In May of 1832 an unfortunate incident occurred at

Montreal which tended greatly to incite the passions of the populace against the government. During an election campaign it had been found necessary to call out an armed force to maintain order. The troops were resisted, and in a clash with a crowd supporting the nationalist candidate three men were killed and others severely wounded. Proceedings were taken against Lieutenant-Colonel MacIntosh and Captain Temple, who were in charge of the troops, but were set aside by the grand jury throwing out the indictment. Passion reached fever heat, and rebellion appeared as a contingency by no means remote.

Fortune seemed to be party to a design to discredit the administration of Lord Aylmer. Emigrants from Europe were pouring into the Eastern Townships and the upper province. In the encouragement of immigration Papineau and his friends saw nothing but a plot to reduce the relative strength of French Canada. Unfortunately, in the years 1832 and 1834 the dreadful Asiatic cholera was brought to Lower Canada by the immigrants. The available means of fighting the plague were very inadequate, yet the situation was not handled with the care and vigour which its seriousness demanded. The failure of the government to insist on a strict quarantine was attributed to a desire to protect the English merchant class from financial loss. The plague wrought destruction broadcast throughout the province, and responsibility for its ravages was freely placed on the administration.

The Ninety-two Resolutions

The revolutionary movements in North America and in France exerted a powerful influence over the mind of Papineau, and very largely determined the course which, under his direction, the Canadian revolution should take. It had become necessary that an appeal should be made to the world's sense of right and justice. Following the distinguished examples of 1774 and 1789, Papineau and his party embodied in definite form a statement of their political creed. The session of the legislature of 1834 was occupied

largely with an investigation into the state of the province, and the embodiment of popular grievances in the famous Ninety-two Resolutions.

As a confession of political faith the Ninety-two Resolutions held a place unique in world literature. They were the product of the combined efforts of Papineau and A. N. Morin, in later years the partner of the ultra-tory Allan MacNab. In the House of Assembly the adoption of the resolutions was moved by Elzéar Bédard, son of Pierre Bédard, against whom Sir James Craig's wrath had been directed, and who was soon to accept office at the hands of Lord Gosford. The resolutions themselves, for the sake of convenience, may be divided into two groups—laudation of the French-Canadian people, the House of Assembly, the Constitution of the United States, Daniel O'Connell and Joseph Hume, and condemnation of the secretary of state for the colonies, of the colonial governor, of the legislative council, of the judges and officers of the administration. An article in the Quebec *Mercury* entitled 'Short Notes on Long Resolutions,' and attributed by Lord Aylmer to John Neilson, contained a detailed analysis of the resolutions. On Neilson's estimate eleven of the resolutions were true, six mixed with falsehood, sixteen false, seventeen doubtful, twelve ridiculous, seven repetitions, fourteen very abusive, four false and seditious, and five good or indifferent.

The resolutions open with a tribute to the loyalty of French Canada, to its devotion to the crown and to its services in defence of the colony. The fidelity of the assembly to the interests of the province, regardless of race and creed, was solemnly declared. For its failure to adopt the measures recommended by the Canada Committee of 1828 the British government was censured. And then during the course of over thirty resolutions the tirade against the legislative council was continued. It was the opinion of the assembly that the legislative council 'has never been anything else but an impotent screen between the Governor and the People, which, by enabling the one to maintain a conflict with the other, has served to perpetuate a system of discord and contention; that it has unceasingly acted with

avowed hostility to the sentiments of the People as constitutionally expressed by the House of Assembly.'[1] The remedy advocated was the adoption of the elective principle. In case the British government should have in mind any change of the constitution not approved by the House of Assembly, the mother country was informed that in less than twenty years the population of British America would be as great as that of the United States at the time of the Revolution. Abuses in the system of land tenure, in the administration of the crown lands, and of the public revenue were detailed. The political expedient of 'tacking' was defended, and all the powers, privileges and immunities of the British House of Commons were claimed for the legislative assembly. The monopoly of the patronage in the hands of the English-speaking Canadians was declared a grievance, but the assembly seemed to forget the accusations of treachery hurled at the head of French Canadians who, like Mondelet, had accepted office at the hand of the governor. Articles of accusation were levelled against Lord Aylmer, while the assembly expressed its confidence in O'Connell and Hume. An invitation was extended to the members of the council and assembly friendly to the cause to form Committees of Correspondence in Quebec and Montreal for the promotion of the interest of the party.

Papineau and Neilson

The adoption of the Ninety-two Resolutions was opposed by Neilson and the constitutional party. The position of this party, as set forth in an amendment offered by Neilson to the motion concurring in the resolutions, was that the house should 'co-operate in promoting the peace, welfare and good government of the province conformably to the Act of the British parliament under which it is constituted.' Their constructive programme included the extension of settlement, reform of the laws of property, the independence of the judges, the adjustment of the financial issue and the greater responsibility of high public officers, and the trial of impeachments by the assembly. The division on the

[1] Resolution 21. See the Journals of Assembly, 1834.

LOUIS JOSEPH PAPINEAU

From a lithograph by Maurin, Paris

Ninety-two Resolutions widened the breach between Papineau and Neilson, and threw the great tribune on the mercies of reckless adventurers of the type of O'Callaghan, Brown and Nelson.

The hostile camps, each suspicious of the other, now turned attention to the organization of their forces. Patriotic associations were formed by Papineau and his lieutenants in Montreal, Three Rivers and Quebec, and committees of correspondence were constituted to ensure common action. On their side the British inhabitants of Quebec and Montreal formed constitutional associations pledged to maintain the authority of the crown and respect for the constitution. Petitions and counter-petitions were being prepared with astounding rapidity. The countryside was scoured by emissaries of each party in search of grievances against the other. In the general elections, held in the autumn of 1834, Papineau emerged with a larger following than ever before. Neilson suffered for his boldness in opposing the resolutions while the English representation was almost negligible. In the assembly the governor was openly assailed for his partiality and his negligence in protecting the rights of the inhabitants of the province. Papineau declared that, while Sir James Craig was content to imprison his opponents, Matthew Lord Aylmer enjoyed the more fastidious pleasure of shooting them down in the streets. The governor's request for supplies was ignored, and a session productive of nothing but bitter railings and accusations was brought to a close on March 18, 1835.

The Canadian question again received the attention of the British parliament in 1834. The nationalist party, by adopting the battle-cry of the reform party in Britain, had succeeded in enlisting the support of several of the more prominent radical leaders. Hume and John A. Roebuck, whom the assembly had virtually made its agent, actively interested themselves on behalf of the French Canadians. On the motion of the colonial secretary, Edward Stanley, afterwards Earl of Derby, a committee of investigation was appointed, which, after taking evidence, confined mainly to the correspondence, found that 'a most earnest anxiety has existed

on the part of the home government to carry into execution the report of the select committee of 1828.' While the administration might be solaced by such a report, nothing was contributed to the solution of the real Canadian problem. In the following year the government reached a decision which it was thought would terminate the dispute. The personal hostility aroused against Lord Aylmer had destroyed the usefulness of that officer's administration. The government had reached the conclusion 'that the exigencies of the case demand some more decisive and expeditious mode of proceeding than is consistent with an ordinary and regular correspondence.' The expedient adopted by the British government was the constitution of a commission of three, of whom the governor-in-chief should be chairman, for the investigation of Canadian affairs. The commission was designed 'not so much for the purpose of promulgating any new principles of government as of carrying into effect that system of liberality and justice towards the people of Lower Canada, which His Majesty has long since adopted.'

Obviously the success of such a commission depended entirely on the character of its members. Lord Canterbury, whose conduct as speaker of the House of Commons had won general approval, was offered the position, but was compelled to decline the appointment. Lord Amherst was appointed in April 1835, but resigned his commission in the following month. The office of governor finally descended to Lord Gosford, whose sole qualifications seem to have been a genial Irish manner and a total ignorance of colonial conditions. Associated with him were Sir Charles Grey—formerly a judge in India, a rigid tory and the personal nominee of the king—and Sir George Gipps, an adherent to whig principles, who was later to win a creditable reputation as governor of New South Wales.

Lord Gosford

The recall of Lord Aylmer and the appointment of the commission had not been regarded with favour by the

British party which feared a sacrifice of their interests in any scheme of conciliation. Lord Gosford followed closely in the path of Sir James Kempt, and managed for a time to allay the violence of the agitation. The provincial parliament was summoned to meet in October, and Lord Gosford's address was received with marked favour. The dove of peace, however, was soon to take its departure. Sir Francis Bond Head, who succeeded Sir John Colborne in the administration of Upper Canada in January 1836, deeming it necessary to advise the assembly of his province of the steps which the British government was taking in the settlement of affairs in Lower Canada, laid before them a copy of the instructions to Lord Gosford and his fellow-commissioners. This unpardonable blunder on the part of Head ruined completely Gosford's remaining chances of success. The instructions disclosed that Gosford was empowered to make no concessions whatever, except in connection with the incorporation of the North American Land Company dealing in the crown lands of the province. The assembly was up in arms. The Ninety-two Resolutions had been contemptuously disregarded ; their cries of protest had fallen on deaf ears. Lord Gosford's advances were treated as the hollow pretences of a deceiver. The question of supply had again been thoroughly canvassed, and a bill passed granting aid for a period of six months. As usual the legislative council was ready with the guillotine. No hope remained of reaching a basis of settlement, and the assembly was prorogued in March 1836. In the hope of securing supply Lord Gosford again assembled the legislature late in September. If he had any hope of success it was soon dispelled. The assembly refused to grant any supply until their grievances should be considered.

The special commissioners had moved freely among the people, and were made fully aware of the defects in the system of government. Their report, however, was extremely conservative. The protection of the interests of the British minority was inconsistent with an elective assembly. The responsibility of the governor to the crown was incompatible with a responsible executive council. The one significant

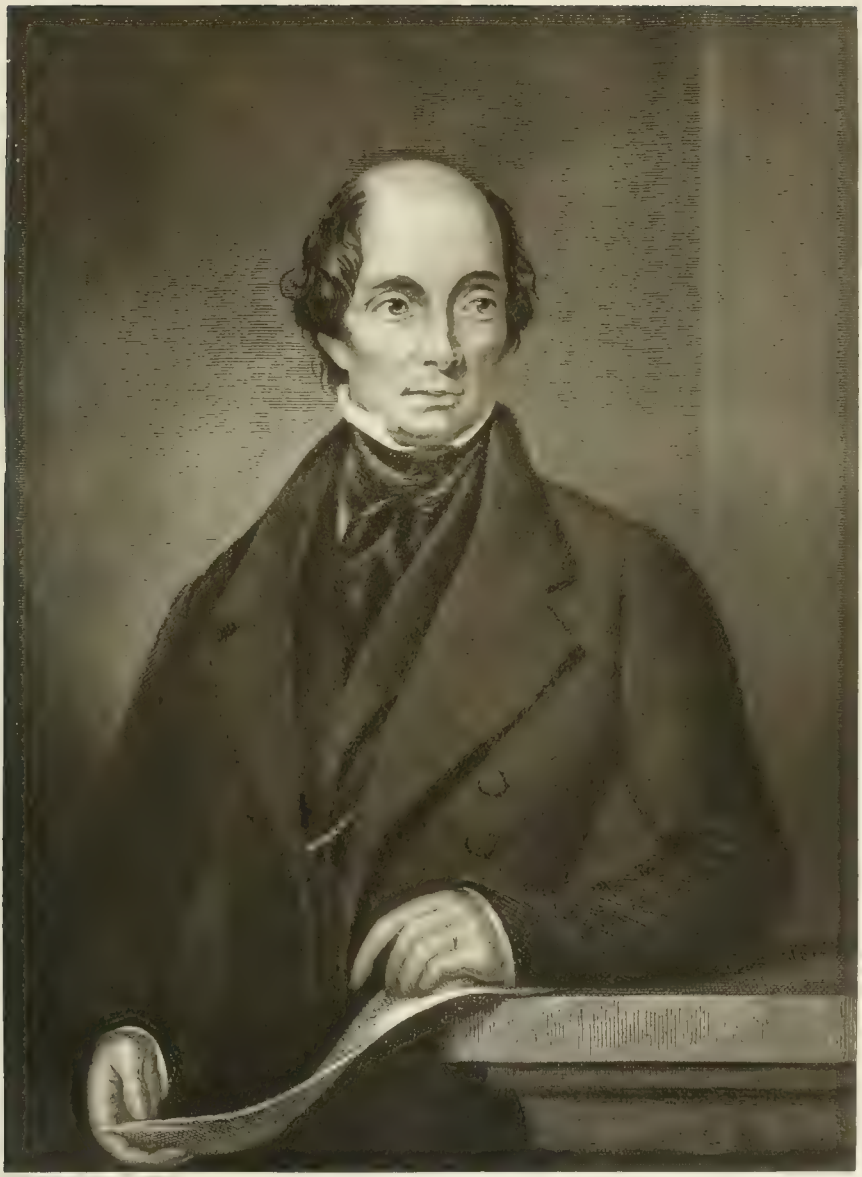
representation of the commission was that the Howick Act of 1831, by which the control of the crown revenue was surrendered to the assembly, should be repealed. A commission instructed to introduce measures of conciliation had so faithfully fulfilled its mission as to condemn every measure which would have been regarded as conciliatory, and to have advocated withdrawing the one concession made to the assembly.

The report of the commission was adopted by Lord John Russell, who succeeded to the Colonial Office in April 1836, as the basis of his policy, and it was evidently the intention of the British government to have introduced a decisive measure which would have brought the Canadian question to a crisis. The House of Commons accepted a series of resolutions specifically refusing the more important constitutional changes advocated by the assembly, and proposing that the governor should be authorized to pay the expenses of the administration from whatever funds should be in the hands of the receiver-general of the province. The financial question was reopened, and the intention of the British government was declared to give the assembly control of the public revenue on condition of its granting supply for the expenses of the administration of justice and the principal officers of the civil government. The death of the king and the accession of Queen Victoria served to postpone the introduction of the measure, which had evidently been accepted by the British government.

The announcement of Lord John Russell's policy created a sensation in Canada. Meetings of protest were held throughout the country, and violent demagogues freely proclaimed the necessity of revolt. A deadlock had been reached which permitted of no peaceable means of escape. The House of Assembly was convened on August 18, 1837, when the *patriotes*, as a result of a determination to boycott trade with Britain, created much merriment by appearing in gorgeous garments manufactured from homespun cloth. The resolutions of the British House of Commons were communicated to the council and assembly, and formed the text for the assembly's final protest. After reviewing the

LORD JOHN RUSSELL

From an engraving by D. J. Pound



policy which Lord John Russell outlined, the assembly declared that the 'essential and constitutive reforms which we have demanded, and especially the application of the elective principle to the Legislative Council, the repeal of all undue privileges and monopolies, and of injurious laws passed in England, the free exercise of the rights and privileges of this Legislature and of this House in particular, and the establishment of a popular and responsible government, are the only means by which the advantages hereinbefore mentioned can be ensured, or the political connexion with Great Britain rendered beneficial to the people of Canada.'[1] The assembly then declared its willingness to consider the question of supply 'whenever we shall no longer be prevented from considering them.' The prospect was hopeless, and Lord Gosford prorogued parliament on August 26. The prorogation marked the failure in Lower Canada of constitutional government as established in 1791. Rational and peaceful resources had been exhausted; the resort to force alone remained.

Duncan McArthur

[1] See the Journals of the House of Assembly, 1837.

THE REFORM MOVEMENT IN UPPER CANADA

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The War and Upper Canadian Politics

THE political incidents of the early years of Lieutenant-Governor Gore's administration revealed the lines of cleavage which were to determine party divisions in Upper Canada. The upper province, too, of necessity had its bureaucracy—loyal, bigoted and keenly devoted to self-interest. While there existed an element of discontent, not yet clearly defined, but which was later to produce a movement of reform, the active party of the opposition derived its energy from disappointed office-seekers and unprincipled fanatics from across the border. The War of 1812 exerted a most decisive influence on the political forces which were then about to emerge into definite form. The active assistance of the motherland in a resort to arms against a common adversary, the glory of having humiliated the great opponent of monarchical institutions, fired the patriotism of the party of government with a new and burning ardour. On the other hand, it eliminated from the party of the opposition those factious and extremist elements which would have destroyed the poise and sanity of any movement of reform. Irresponsible republican agitators were found in the camp of the enemy on the call to arms and suffered the exile which their treachery deserved. Any faint tendency towards republicanism which may have existed prior to the war was drowned in the tidal wave of loyalty to Britain which swept over the province.

But the War of 1812 excited a still greater influence on the course of the political development of the upper province. It resulted in a complete reversal of the immigration policy

of the British government. On the close of the War of Independence the settlement of loyalists in Upper Canada was encouraged in every possible way. Even after the period originally fixed for the granting of lands to loyalists the migrations continued. Special inducements to settlement were granted by the British parliament in 1790, and by a proclamation of Lieutenant-Governor Simcoe in 1792. Yet the conditions enforced by British statutes under which lands could be acquired by immigrants were particularly stringent. In 1740 an imperial statute was passed which stipulated that a previous residence of seven years within the colony was necessary to qualify a foreigner to hold lands. A statute of 1790 entitled American citizens to have the oath of allegiance administered to them. The earlier statute in Lord Bathurst's opinion still remained valid, and it was his policy simply to enforce its provisions. The result was that by 1812 a regular stream of emigrants from the United States was pouring into Upper Canada ; settlement was proceeding at a rapid rate, and the demand for land was at a maximum. Not only was this tide of immigration interrupted by the war, but it was definitely blocked by the determination of the British government to place prohibitive restrictions on emigration from the United States to Canada. In January 1815 Sir Gordon Drummond received definite instructions to ' not in any case grant land to subjects of the United States.' [1] Orders were consequently issued forbidding magistrates to administer oaths to persons other than office-holders, or the sons of loyalists, without the permission of the lieutenant-governor. The result was that a very considerable number of land speculators were involved in serious loss. By greatly enhancing prices of provisions the war had introduced a period of unprecedented prosperity. Only along the Niagara frontier and in the western peninsula had serious loss been suffered from the war. But with the signing of the peace and the withdrawal of the troops prices dropped even below the normal, and the province was thrown into a state of financial and commercial depression. In addition, serious disappointment was caused by the delay in granting the lands

[1] Bathurst to Drummond: the Canadian Archives, G 57, p. 86.

promised for military service. Thus, during the years immediately following the war, there were forces operating to create an acute feeling of dissatisfaction which was only awaiting an opportunity of expressing itself.

A fitting occasion arrived when, in 1817, Lieutenant-Governor Gore was compelled to ask the assembly for the grant of supply to defray the expenses of the administration of justice and the support of civil government. Lieutenant-Colonel Robert Nichol, the quartermaster-general of militia during the war, and several years later leader of the government party in the house, secured the appointment of a special committee to investigate the state of the province. The report of this committee was a virtual statement of grievances. Complaint was made that the change in the immigration policy wrought serious injury to the province. The holding of the crown and clergy reserves was represented as an insurmountable obstacle to settlement, while, at the same time, they offered 'great inducements to future wars with the United States by affording the means of partially indemnifying themselves to reward their followers in the event of conquest.'[1] Three of the resolutions, involving a condemnation of the policy of the government, had passed when Gore decided to cut short the proceedings by a prorogation.

Robert Gourlay

The opposition movement found a capable leader in Robert Gourlay, a Scotsman who had but recently arrived in Upper Canada. Gourlay, who had been described by Sir Peregrine Maitland as 'half Cobbett and half Hunt,' possessed undoubted abilities, and before coming to Canada had conducted an investigation into social conditions among the poor in Britain, and had become familiar with the problems of rural settlement in the motherland. Having acquired certain properties in Upper Canada he came to the colony in 1817, apparently only on a tour of inspection, but became concerned in the sale of lands and the settlement of immigrants. The immigration policy of the government struck

[1] See Gore to Bathurst, April 7, 1817, and enclosures; the Canadian Archives, Q 322, pt. 1, p. 129.

directly at Gourlay's interests, and brought him to the front as an advocate of reform. Addresses were circulated throughout the province condemning the conduct of the administration, and at Gourlay's call a convention assembled at York in July 1818 ' to deliberate on the propriety of sending Commissioners to England to call attention to the affairs of the Province.' In his endeavour to secure evidence to convict the government before the British public, Gourlay distributed circulars containing queries relative to the condition of the province, and tacitly implying negligence on the part of the government. A petition prepared by Gourlay for presentation to the crown contained certain extravagant and offensive expressions which were seized upon by the government as the ground for prosecution for seditious libel. After Gourlay had been twice indicted and acquitted by a jury, resort was had to the Alien Act of 1804, whereby foreigners suspected of sedition were required to quit the province on their failure to prove their innocence. Gourlay was forthwith expelled, and on his refusal to leave the province was imprisoned at Niagara, and in August 1819 was sentenced to banishment. This order left no alternative. Although at the time there was acute discontent, Gourlay's agitation did not assume serious proportions. It was at best a protest against the conditions which produced commercial depression. Gourlay himself, were he even capable of it, was too little acquainted with Canadian conditions to work out a policy of constitutional reform. The attention paid to Gourlay exaggerated the importance of his protest, and the unpardonable cruelty of the treatment accorded him tended to render popular opinion antagonistic to the government.

In March 1817 Lieutenant-Governor Gore returned to Britain on leave of absence, and the government, on account of the disqualification attached to each of the senior members of the executive council, devolved on Lieutenant-Colonel Samuel Smith, a junior member. The session of the assembly in 1818 was quite as stormy as its predecessor. A deadlock arose between the council and assembly over the amendment of money bills by the council and over the assembly's attempt

to grant a supply for the administration of justice and for civil government on the authority of its vote alone. Again prorogation afforded the only solution of the dispute. Gore's holiday was rudely interrupted by the proceedings instituted against him by Robert Thorpe and C. B. Wyatt. Under the shadow of the charges preferred against him Gore submitted his resignation, which the government, while expressing confidence in his administration, decided to accept. Sir Peregrine Maitland was selected as his successor,[1] and assumed the administration in August 1818.

The question of public finance already threatened to cause trouble in Upper Canada. During the late years of the administration of Lieutenant-Governor Gore the assembly had been permitted to assume control over the entire public revenue, regardless of the source, and it was frequently with great difficulty that the supply desired could be secured. In 1819 Maitland succeeded in securing an agreement with the assembly by which the rights of the crown in the disposal of the revenue were restored. The public revenue was divided into three classes—the king's rights arising from rents of crown reserves, ferries, and from various fees, the proceeds of duties imposed by imperial statute, and the revenue arising from provincial acts. For the appropriation of the first the lieutenant-governor was responsible only to the crown ; the second was devoted, as far as it would go, to the expenses of the civil list, while the assembly was to be asked to supply the balance from the funds at its disposal. Thus the arrangement which Sherbrooke had hoped to establish with the assembly in Lower Canada was successfully introduced by Maitland in the upper province.

The Alien Question

After the close of the war immigration from Britain received a fresh impetus. The northern shores of Lake Erie and Lake Ontario were rapidly being occupied, and inland settlements were being formed. To the north of Brockville, along the banks of the Rideau River, and in the

[1] See p. 289.

Perth district settlement was advancing with rapid strides. But the newly formed districts found themselves practically disfranchised. In 1820 a provincial statute was passed creating a new division into counties, and making population the basis of representation. The first parliament elected on the new plan was composed of thirty-eight members.

The government's immigration policy, by directing attention to the laws regulating the naturalization of aliens, created another serious political problem. The British statutes, which were held to be in force, had been practically disregarded during the period of American immigration, and as a consequence the civil rights of a great many of the inhabitants were in a position of dangerous uncertainty. In 1821 Barnabas Bidwell was returned to the House of Assembly for the constituency of Lennox and Addington, but on his election being protested had been declared ineligible. Bidwell was a native of the Province of Massachusetts Bay, and became attorney-general of Massachusetts, member of the legislature of his state, and treasurer of the County of Berkshire. In order to avoid certain charges of malversation of office he came to Canada in 1810, and on the outbreak of war took the oath of allegiance. The assembly's disqualification had been based on Bidwell's having held office in a foreign state, and on his alleged misconduct in an office of trust, and cast no reflection on his naturalization. In a subsequent election for the same constituency Marshall S. Bidwell, his son, was nominated, but was refused by the returning officer as an alien. The election was declared void by the assembly, but in the general election of 1824 Bidwell was elected by the same constituency and permitted to retain his seat.

By this time the alien question had become a very definite issue, and had created a feeling of alarm throughout the province. In July 1825 Lord Bathurst gave directions to the lieutenant-governor to give his assent to any satisfactory provincial enactment conferring 'the Civil Rights and Privileges of British Subjects upon such Citizens of the United States as being heretofore settled in Canada are declared by the judgment of the Courts of Law in England

and by the opinion of the Law Officers to be aliens.'[1] A bill was passed by the legislative council, presumably in accordance with Lord Bathurst's instructions, but was strongly opposed by a party in the House of Assembly, who held that it did not confer all the rights of British-born subjects. However, even after the bill had been negatived by the casting vote of the speaker, it was reconsidered and passed. The opposition of the assembly was continued, and Robert Randall, a member of the house, was entrusted with a petition designed to prevent the royal sanction being given the bill. Randall's mission was successful, and in the session of 1828 another bill, more in accordance with the wish of the assembly, was introduced and finally became law.

The act of 1828[2] conferred the privileges of British birth on all persons who had received grants of land from the crown, or who had held public office in the province, or who had taken the oath of allegiance, and on all inhabitants resident since 1820. All other persons resident on March 1, 1828, were admitted to the rights of citizenship after seven years' time and on taking an oath prescribed by the act. The right of persons naturalized to vote for members of the assembly, or to be elected to the assembly, was governed by the Constitutional Act, and could be established only by the imperial parliament. An act was passed in 1826 extending to all persons naturalized by act of the provincial legislature the right of being summoned to the legislative council, of being elected to the House of Assembly, and of voting for members.

The Canada Company

In February 1824 John Galt, who had already acquired a reputation in Scotland as a poet and novelist, proposed to Lord Bathurst a scheme of colonization which would, while proving a profitable investment to the capitalists interested, rapidly extend the settlement of the province, and provide a respectable revenue for the public treasury. A company to be known as the 'Canada Company' was to be formed for

[1] Bathurst to Maitland, July 22, 1825; the Canadian Archives, Q 371 A, p. 43.

[2] 9 Geo. IV, cap. 21.

the purchase and settlement of all the crown reserves and one half of the clergy reserves in the townships surveyed which were not sold, leased or occupied on March 1, 1824. A commission, consisting of Colonel Cockburn, Simon McGillivray, Sir John Harvey, John Galt and John Davidson, made a thorough canvass of the surveyed townships, and found that the Canada Company was entitled to 1,384,013 acres of crown reserves and 829,430 acres of clergy reserves. The commission was unanimously of the opinion that 3s. 6d. currency per acre was a reasonable price to pay for the lands. A unanimous protest, however, was raised from the Canadian clergy, who saw in this proposal a scheme to rob them of a birthright which they confidently expected would place them in positions of opulence. The price set for the reserves seemed ridiculously low, yet the commissioners were unanimous in proposing it. The case of the province and of the clergy was very forcibly stated by John Beverley Robinson, and Lord Bathurst decided to postpone the sanctioning of the contract with the company. The clergy reserves in particular required delicate management, since they had been established by act of the imperial parliament, and could be alienated only on the same authority. The crown reserves, on the other hand, were created by the order of the sovereign, and could be altered without reference to parliament. While proceedings were in process, Lord Bathurst, reviewing the finding of the commission, decided to retain the clergy reserves, and to offer other lands of equal value. This proposal fell in with the interests of the Canada Company, as a compact area of land could be administered more profitably than the scattered reserves. In May 1826 Dr John Strachan, representing the Canadian clergy, and John Galt on the part of the company, reached a new basis of agreement. In lieu of the clergy reserves a block of land consisting of one million acres, and subsequently known as the 'Huron Tract,' was granted to the company. One-third of the purchase-money of the Huron Tract was to be expended in public improvements subject to the approval of the lieutenant-governor and council in Upper Canada. In return the company paid the provincial government a sum slightly exceeding three hundred

thousand pounds sterling in annual instalments, covering a period of sixteen years. The purposes of government were profitably served by this agreement. The civil establishment, the university, the Roman Catholic clergy, the Presbyterian ministers, each shared in the proceeds of the sale.

In its work of settlement and colonization the Canada Company wrought a marvellous transformation in Upper Canada, and in particular in the western section. The towns of Guelph and Galt, and the districts surrounding them, were the first to attract settlers. In time the counties of Lambton, Huron and Bruce were opened, and settlers much superior to the average immigrant were brought out by the company. The obstacles to settlement presented by the clergy reserves were not encountered by the Canada Company, while the necessity of spending a very considerable amount on public improvements ensured attention to the general interests of the community.

Education and the Clergy Reserves

The founding of public schools received attention at an early date in Upper Canada. Colonel Simcoe's vision of a provincial university and a series of grammar schools supported by an endowment of public lands was in a measure to be realized. Private schools were established, and that conducted by John Strachan first at Kingston and later at Cornwall had already obtained a wide reputation.[1] In 1816 a public school system was established by provincial legislation ; government aid was apportioned to each district, while the management of the schools was vested in trustees elected by the ratepayers of the district. The educational policy of the government, however, was to all intents and purposes determined by Dr Strachan. However exceptional the qualifications of the future Bishop of Toronto for the office of educational expert, his extreme Anglican

[1] Several of the members of the legislative council commissioned the Hon. J. Hamilton to secure from Britain a competent tutor for their sons. Hamilton communicated with his brother, a clergyman in Scotland, but the position was there understood to be the principalship of the proposed university. Thomas Chalmers declined the offer, but recommended his friend Strachan, who arrived at Kingston on December 31, 1799.

prejudices served to destroy popular confidence in the school system. The provincial Board of Education became a mere instrument of the Church of England, and aroused the jealousy of the nonconformist bodies. The monopolistic tendencies of Dr Strachan were most emphatically asserted in the charter of the proposed provincial university granted in 1827. The bishop of the diocese, in which the town of York was located, was named the visitor of the college, the archdeacon of York was *ex officio* the president, while the college council and teaching staff were composed exclusively of members of the Church of England. The extreme and intolerant pretensions of a denomination which was far from being the most numerous throughout the province excited the bitter antagonism of the other religious bodies.[1]

The popular antipathy to the Church of England manifested itself more particularly in connection with the clergy reserves. The election of 1824 resulted in the return of an assembly opposed to the administration. Marshall Bidwell, a man of keen intellect and political sagacity, was elected speaker of the house, and began to direct the campaign against the government. The imperial statute authorizing the sale of the crown and clergy reserves to the Canada Company provided for the substitution of other lands for the clergy reserves, a provision which the House of Assembly interpreted as contemplating a further allotment of land for the support of Protestant clergy in lieu of the reserves to be given to the company. An address was prepared in January 1826 protesting against this further appropriation, and requesting that the provision permitting it should be repealed. Lord Bathurst's assurance that no increase in the reserved lands was authorized by the statute did not satisfy the assembly, and in the following session a series of resolutions expressing the opinion of the assembly on the reserves question was presented by John Rolph, a member of the Church of England, and William Morris, representing the Presbyterian body. The assembly questioned the validity of the interpretation of the Constitutional Act which

[1] For a treatment of the educational question see 'History of Secondary and Higher Education' in section IX.

admitted only the clergy of the Church of England to the benefit of the reserves. The sale of the reserves and the appropriation of the proceeds for the support of schools, the endowment of a provincial seminary, and the building of churches for all denominations was advocated.

The Canada Committee of 1828, in its investigation into the affairs of Upper Canada, directed attention mainly to the political relations of the Church of England. While admitting the legal claim of the Church of England and the Church of Scotland to the reserves, the committee recommended that an arrangement should be made by which other Protestant denominations would be permitted to share in the proceeds. The constitution of the university was the subject of complaint, and a change was advised removing all denominational restrictions from appointments to the teaching staff of the Arts faculty.

Sir John Colborne

The investigation of the Canada Committee revealed serious defects in the administration of the government of the Canadas, and it was evidently the purpose of the imperial government to start things anew with a clean slate. Sir Peregrine Maitland was recalled, and in August 1828 Major-General Sir John Colborne was appointed lieutenant-governor. Colborne was an officer of both military and civil experience. As military secretary he accompanied Sir John Moore during his expeditions to Sweden and Portugal, and was recommended for promotion in the dying words of his chief. He served with Wellington in the Peninsula, and was prominent in the campaigns of 1813 and 1814. At the battle of Waterloo he was in command of the 52nd, which led in the rout of Napoleon's Old Guard. Colborne was a splendid example of the higher type of tory proconsul. He held unswervingly to the maintenance of the prerogatives of the crown, yet his administration was tempered by a most admirable breadth of sympathy. Had he been left, unfettered by an unpopular reactionary executive, to choose his own political course, the introduction of responsible government might well have been accomplished by peaceful and constitutional expedients.

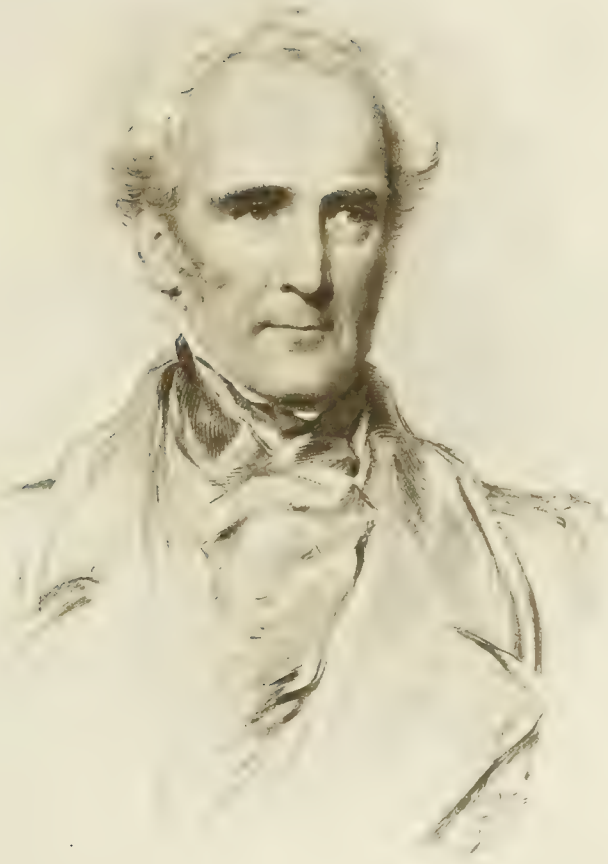
On assuming the government of Upper Canada Sir John Colborne received instructions designed to meet the issues which the Canada Committee had discovered. The revenue presented less difficulty than in Lower Canada, on account of the ability of the government, if pressed, to conduct the administration from the revenues of the crown. On the question of the clergy reserves the government preserved an open attitude, and for the time being merely asked for information. A real grievance was admitted in the state of education and in the character of the proposed university, and attention was promised to any suggestion the assembly might make. Although the issue had not become acute, there had been complaints made against the dependence of the judges on the executive. Sir George Murray was, however, inclined to consider the responsibility of the judiciary to the crown a healthy restraint in the interest of the faithful administration of justice. 'In a society so limited in numerical amount, so much dispersed over an extensive territory, and so liable, from its popular institutions, to be divided into parties, it would, I fear, be very difficult to provide any effective control upon the conduct of a judge who was totally exempt from all personal dependence.'[1] The defects in the composition of the Legislative Council were to be remedied, as in Lower Canada, by discontinuing the practice of appointing public officials.

In the election held in August 1828 the general policy of the Family Compact was the main issue. The widespread feeling of antagonism towards the administration which the aggressiveness of Strachan and his associates aroused was embittered by the treatment meted out to Judge Willis and Francis Collins, the editor of the *Canadian Freeman*. Collins had been the object of criminal proceedings for publishing libellous articles against the attorney-general, and had received punishment which was most cruel in its severity. Judge Willis and his wife, Lady Mary, who was the eldest daughter of the Earl of Strathmore, succeeded during the brief period of their residence in Upper Canada in creating a

[1] Murray to Colborne, September 29, 1828: the Canadian Archives, Q 372 A, p. 61.

SIR JOHN COLBORNE (LORD SEATON)

From an engraving in the Dominion Archives



disturbance entirely out of proportion to the importance of the position which they held. Lady Sarah Maitland, who had reigned with undisputed sway in the social world of York, found a formidable rival in the spouse of the new judge of the Court of King's Bench, while Lady Mary's husband was to develop into a doughty antagonist of the Family Compact. Judge Willis's ambition to become the head of a provincial court of equity had been foiled by the opposition of Attorney-General Robinson. On frequent occasions Judge Willis saw fit to dissent from the opinions of his learned colleagues in such a manner as to bring reproach on the bench. In June 1829 Sir Peregrine Maitland decided to terminate the petty dissensions of the judges by suspending Willis. Incidents, in themselves of slight significance, in the heat of an election campaign assumed the proportions of grave political issues.

The reform party secured a majority in the house. Its force was greatly strengthened by the accession of William Lyon Mackenzie, whose paper, the *Colonial Advocate*, had been fearless in its criticisms of the 'Family Compact,' the nickname given to the little oligarchy. On the meeting of parliament in the January following Marshall Bidwell was elected speaker by a small majority, and in the address in reply to the speech from the throne the fusillade against the government began. The assembly, claiming to be the constitutional advisers of the crown, warned the new lieutenant-governor of the fatal consequences of the policy hitherto pursued by the administration. As in Lower Canada, the efforts of the assembly were directed to securing control of the provincial finances. The constitutional right of the house to appropriate the revenue was based on the assumption that the granting of a representative assembly in itself involved popular control over supply. In addition, the interests of the province required that the executive should no longer be permitted to authorize extravagant and useless expenditures. The assembly's claim was based on constitutional right and the principles of economy. The financial independence of the administration, however, effectively fortified it against the attacks of the assembly.

Sir John Colborne early detected the forces which were

productive of discontent. While he resisted the endeavours of the assembly to control the public purse, he frankly acknowledged that the policy of the Compact had on important issues been in error. 'Composed as the Legislative Council is at present, the Province has a right to complain of the great influence of the Executive Government in it.'[1] In 1829 the council consisted of fifteen active members, six of whom were members of the executive council, while four others were officers of government. By introducing into it a new element which would be able to rise above the influence of party, Colborne hoped to preserve the independence of the council, and to place it in a position to command public respect and confidence.

But Colborne's attention was directed more especially to the question of education. The education of Canadian youth in the United States he regarded as detrimental to British connection and a menace to the well-being of the province. 'If proper Religious Instructors are sent out, and the Public Schools are guided by the Government, a favourable change will take place in a few years. Every young man of this or of Lower Canada who receives his Education in the United States returns a troublesome discontented Subject.'[2] It was useless, he argued, to attempt to maintain a university when not a single school in the province could prepare students for admission. The establishment of a seminary for advanced study became a most pressing necessity. Coupled with this in Colborne's mind was the revision of the charter of King's College, so as to allay the prejudices of the dissenting bodies and to render it truly provincial in its character. This policy, however, brought him into conflict with Dr Strachan, who suspected the orthodoxy of this tolerant governor. Still Colborne did not fail to see the dangers into which the Venerable Archdeacon's zeal for Episcopacy had led the church and the government. 'I can not blind myself so far as not to be convinced that the political part he [Dr Strachan]

[1] Colborne to Murray, February 16, 1829: the Canadian Archives, Q 351, pt. 1, p. 34.

[2] Colborne to Hay, March 31, 1849: the Canadian Archives, Q 351, pt. 1, p. 88.

had taken in Upper Canada destroys his clerical influence, and injures to a very great degree the interests of the Episcopal Church, and I am afraid of religion also.'[1] The practical result of Colborne's intense interest in education was the founding of Upper Canada College. The controversy over the charter of the university continued to supply ammunition for warfare between the legislative council and assembly. Not until 1836, when a conservative assembly was returned, was it possible for the reformers to secure any amendment in the charter. The legislation of 1836, while removing the denominational test, left the Church of England in practical control of the policy of the university. Other denominations were forced to seek relief in forming separate institutions, with the result that the Upper Canada Academy—the forerunner of Victoria College—was opened at Cobourg by the Methodists in 1836, and Queen's College at Kingston by the Presbyterians in 1842.

The death of George IV brought on a general election, in which success returned to the government party. While the grievances of which complaint had been made were not yet remedied, the lieutenant-governor was personally popular, and confidence was felt in his ability to conduct the administration in the interests of the province. Circumstances seemed to operate against the party in the ascendancy in the assembly. When the Family Compact was given a free rein, its excesses at once antagonized all but its own *entourage*. The reform party, even when in control of the assembly, was powerless before a hostile legislative council and an executive over which it had no control. It could at no time be more than a party of opposition without actual power either in legislation or administration, while its growth in numbers served but to exaggerate its impotency. During the campaign a clear and concise statement of the reform platform was issued by Mackenzie. It demanded the control of the provincial revenue, the territorial and hereditary dues excepted, the independence of the judges, the reform of the legislative council, religious equality and 'an administration

[1] Colborne to the Lord Bishop of Quebec, February 13, 1829: the Canadian Archives, Q 315, pt. 1, p. 106.

or executive government responsible to the province for its conduct.' Never before in the Canadas had such a direct appeal been made for definite and positive reform, yet the electors expressed their appreciation by restoring the Conservative party to power. Political grievances in Upper Canada did not weigh heavily in 1830, and the people were not prepared to desert an honest and kindly governor for an irresponsible though able agitator. Nevertheless, the reform movement was an unquestionable fact, and it was just now realizing its own significance.

Financial Adjustments

While the decision to surrender to the assembly control over the funds raised under the Quebec Revenue Act was prompted by the financial deadlock in Lower Canada, its effects could not well be confined to one of the provinces. In Upper Canada no necessity existed for the transfer of the revenues, and it is certain that no change would have taken place were the situation considered on its own merits. While, therefore, the revenue surrendered was proportionately greater in Upper Canada than in Lower Canada, the difference in the attitude of the two assemblies rendered the transfer in Upper Canada a matter of much less risk to the administration. The revenue of the government was derived from three main sources—the proceeds of the Quebec Revenue Act, estimated at £11,500; the casual and territorial revenue, at £8500; and fees and licences at £1500, making a total of £21,500. In addition, by a provincial statute of 1816,[1] the crown was granted a permanent annual supply of £2500 currency for the support of civil government. The crown now asked that permanent provision should be made by the assembly for the salaries of the lieutenant-governor, the judges and principal officers of government, and 'for such expenses of the Civil Government and administration of Justice as may appear upon examination of the Estimates in possession of the House to require a more permanent arrangement than the supplies which are granted by annual vote.' This amount was estimated by Colborne at £10,500 exclusive

[1] 56 Geo. III, cap. 26.

of the annual grant under the statute of 1816. The assembly, however, withdrew the supply of 1816, and for the payment of the salaries of the lieutenant-governor, judges, attorney-general and solicitor-general, executive councillors and clerk of the council a permanent annual aid of £6500 was granted. All other salaries and expenses of civil government were made to depend on the annual vote of the assembly.

The response of the assembly, while not as generous as the government would have wished, was considered by Colborne as very satisfactory. In particular, the judges were rendered independent of the annual vote of the popular branch of government, and if the total supply granted was small the government still retained control over nearly half of the total revenue. The agreement was a compromise, but such a compromise only as could be formed by parties realizing the necessity of conducting the administration in accordance with constitutional principles. It was fortunate for the administration that the surrender of the crown revenue had not been proposed prior to the election of 1830, otherwise so good a bargain might not have been possible. Mackenzie's radicalism would have been subjected to a severe test had he dominated the assembly as did Papineau on a similar occasion in Lower Canada. Compared with the fiasco in Lower Canada, the settlement in the upper province reflected credit on the wisdom and political capability of the House of Assembly. The assembly in Upper Canada was a real and responsible factor in government, and responded readily to the confidence manifested in it by the imperial parliament.

William Lyon Mackenzie

During the summer of 1831 Mackenzie was busily engaged in conducting a campaign against the government. Public meetings were held throughout the province, and addresses were prepared protesting against the abuses perpetrated by the executive, and advocating the secularization of the clergy reserves, the abolition of ecclesiastical privileges, the reform of the executive council, the control of the revenue, and, in

particular, the introduction of the principles of responsible government. Mackenzie's activity against the administration in the House of Assembly, on the hustings and in the press aroused the fears of the executive, and a policy, sadly mistaken in its methods, was adopted to silence the troublesome reformer. An article published by Mackenzie in the *Colonial Advocate* referred to the power claimed by the executive as 'nearly as arbitrary and despotic as the iron rule of the Czar of Muscovy,' and hurled ridicule at the constituents who returned members to support the government. These statements were taken as the basis for a charge, and on a vote of twenty-seven to fifteen Mackenzie was declared guilty of a breach of the privileges of the house and expelled from the assembly. The attention which the government was paying to Mackenzie served but to add to his popularity and to convert him into a martyr in the cause of popular rights. Mackenzie was hailed as a hero, and was again elected by his constituents for York by a decisive majority. On his return to the house fresh proceedings were instituted on the basis of another article in the *Colonial Advocate*, and he was again expelled. On this occasion, however, the house exceeded its constitutional rights, and declared Mackenzie incapable of sitting in the assembly during the existing parliament.

Lord Goderich, the colonial secretary, did not hesitate to express his disapproval on both political and constitutional grounds of the proceedings against Mackenzie, and Colborne was urged to dissuade the members of the assembly 'from persisting in a quarrel in which, not having right on their side, it is scarcely possible they can ultimately succeed.' Yet during his absence in Britain, and on the advice of Boulton and Hagerman, respectively the attorney-general and solicitor-general, Mackenzie was for the third time expelled from the house. In justification of their proceedings the novel plea was advanced by the law-officers, that while the house could not prevent the electors of York from electing whom they pleased, it could by mere resolution pass judgment on the eligibility of the person elected to sit and vote in the house. The report of the expulsion proceedings

WILLIAM LYON MACKENZIE

From the painting by J. W. L. Forster

brought on the governor, the law-officers of the crown and the assembly the wrath of the colonial secretary.

> It appears to me a little surprising that they [the law officers] should have failed to perceive the extreme inconvenience of their continuing to fill the situations of Attorney and Solicitor General, while advocating, upon a question of great political and constitutional importance, sentiments directly at variance with those which His Majesty's government has expressed. . . . You will cause it to be distinctly understood that while His Majesty has not the slightest desire improperly to influence the conduct of any member of either Branch of the Provincial Legislature, he cannot suffer the sincerity of this government to be brought into question by allowing measures recommended by that Government to be opposed by its own servants either in the Council or in the Assembly, and you will inform every member of either House who holds an office at the pleasure of the Crown that if he cannot conscientiously approve of the policy which His Majesty's Ministers think it their duty to adopt, he must choose between his Seat in the Legislature and his official situation.[1]

Instructions were promptly given for the dismissal of both Boulton and Hagerman, while, for permitting the proceedings and for not reporting it to the Colonial Office, Sir John Colborne received his due censure. Subsequently, on Stanley's succession to the Colonial Office, Hagerman was restored to the position of solicitor-general and Boulton was appointed chief justice of Newfoundland.

In the spring of 1832 the province was thrown into a wild tumult through the wholesale assembling of meetings and the preparation of petitions and counter-petitions. An assault on the person of Mackenzie committed in the home of a friend in Hamilton served only to arouse indignation against the government and to strengthen Mackenzie's hold on the populace. In April he left for Britain, bearing the petitions of grievance of the discontented of Upper Canada. Although his mission was entirely unofficial, the leader of the reform party was freely received by Viscount Goderich and the

[1] Goderich to Colborne, March 6, 1833: the Canadian Archives, G 70.

authorities of the Colonial Office. Through the instrumentality of Joseph Hume, whose acquaintance he had made and who was strongly in sympathy with the cause of reform in the Canadas, he was enabled to secure advantages which otherwise would have been denied him. With Hume and Denis Benjamin Viger, who was on a similar mission from Lower Canada, and George Ryerson, who represented the Methodists of Upper Canada, Mackenzie had frequent interviews with the colonial secretary, and thoroughly canvassed the Canadian situation. The contentions advanced by Mackenzie constitute a strange medley of genuine grievance, personal animus and hollow rhetoric. 'He has adopted a style and method of composition singularly ill adapted to bring questions of so much intricacy and importance to a definite issue,' wrote Lord Goderich. The basis of representation and the general terms of the election law of 1820 were complained of, but Mackenzie must have realized that only the provincial parliament, of which he claimed to be a member, could remedy its defects. Mackenzie demanded the dissolution of the existing parliament because it had been chosen during 'an angry and excited state of the public mind,' and because he considered his repeated elections a protest against the assembly's conduct. The petitions which he presented were claimed to represent the general opinion of the province because they expressed the sentiments of the previous assembly and of the majority in the lower province. Lord Goderich was not convinced by this, because he was inclined to 'give more weight to the recorded opinions of the 26,854 persons who have expressed their dissent from Mr Mackenzie's views than to that gentleman's declaration supported by 12,075 similar attestations.'

Nevertheless, Mackenzie's mission was productive of positive results. The payment was promised of claims for losses suffered during the war; reforms were instituted in the postal system of the province. The Kingston Bank Act and the act for increasing the capital of the Bank of Upper Canada were disallowed. Positive directions were given for submitting to the assembly complete accounts of the public revenue and expenditure, and very pointed suggestions were

made that the interests both of church and state would be promoted by the withdrawal of the Bishop of Quebec and the Archdeacon of York from the legislative council.

Mackenzie's recognition by the colonial secretary and the dismissal of the law-officers outraged the highly developed sense of propriety of the ultra-loyal tory assembly. The spectacle of His Majesty's minister granting to a 'seditious, unprincipled demagogue' concessions which had been refused respectable citizens of Upper Canada horrified the Compact party. The blood of their sires which had preserved the connection with the glorious empire had been shed in vain. 'In the apprehension that the same insulting and degrading course of policy towards them is likely to be continued, they already begin to "cast about in their mind's eye" for some new state of political existence which shall effectually put the colony beyond the reach of injury and insult from any and every ignoramus whom the political lottery of the day may chance to elevate to the chair of the colonial office.' A motion in the assembly directing the return of the dispatch of Lord Goderich relating to Mackenzie's mission was vigorously supported by the crown officers, but was defeated by a vote of twenty-two to seventeen. Lord Goderich was compelled to doubt the wisdom of the confidence which he had placed in the legislature of Upper Canada, and seriously considered the advisability of ending it by a dissolution.

> I am aware, indeed, that a dissolution of the present House of Assembly, being the measure for which Mr Mackenzie has most earnestly contended, would be considered by him as a triumph, and it would be most painful to me to afford him that triumph. But I am compelled, with whatever reluctance, to consider this question as one which the conduct of the Assembly has itself raised, and the matter to be considered is, whether the evils of giving a triumph to Mr Mackenzie and his party would counterbalance the inconvenience, not to say mischief, of continuing, without an appeal to the Province, an Assembly which has become unexpectedly so evidently hostile to the King's Government and which if it really represent the sense of the People would render it impossible that the affairs of that Colony can

> be conducted upon the principles by which the course of His Majesty's Government has hitherto been guided. It must also be considered whether it would not be better that Mr Mackenzie should have whatever triumph a dissolution would afford him (which at least would not be gained over the Executive Government) than that a risk should be run of his obtaining hereafter a still more signal Victory.[1]

Having clearly expressed the alternatives, the final choice was left with the lieutenant-governor, and Colborne, fearing that an immediate appeal to the province would be most disastrous, decided to permit the assembly to run the full course of its natural life.

The Compact party had had its fling, and had brought on the legislature greater infamy than had ever been attached to the innocuous excesses of the reform assembly of 1828. Nevertheless, the colonial secretary erred in considering the executive free from the hostility aroused against the legislature. In the popular mind fine discriminations were not made between the governor and the party of his advisers. The Family Compact might in a fit of temper pour its venom on its most faithful friends, yet the fact remained that the governor was surrounded by the leaders of that very party. Despite the protests of the colonial office, the governor was popularly judged by the company which he kept, and was made to share in the odium heaped on his injudicious allies.

After his third expulsion Mackenzie was re-elected without opposition, and a large body of his constituents assembled at York to witness the proceedings which should attend his application for admission to the house. On the refusal of the sergeant-at-arms to admit Mackenzie to the floor of the house a general encounter ensued, in which violence was used by the partisans of both factions. In February 1834 Mackenzie took the oath prescribed for members of the assembly before the clerk of the executive council, and again laid claim to his seat, but was forcibly ejected from the house. This fifth expulsion concluded the ill-advised and unconstitutional proceedings which converted a fiery and

[1] Goderich to Colborne, March 6, 1833: the Canadian Archives, G 70.

intemperate agitator into a popular hero, and brought disrepute on a party claiming to monopolize the legislative wisdom of the province.

Report of Committee on Grievances

A general election was held in October 1834, and the reform party secured a small majority. Mackenzie was re-elected for the county of York, and on the assembling of parliament Marshall Bidwell was again elected speaker. The opportunity of the reformers had now arrived, and if positive legislative enactments could not be secured, an official statement could be made of the policy of the party. Early in the session a committee, of which Mackenzie was chairman, was appointed for the examination of the grievances under which the province was labouring. The seventh report of this committee, although never adopted by the assembly, contains the official declaration of the policy of reform.

To the abuse of the extensive patronage of the crown was attributed the discontent of the colony. So great was this patronage that it rendered ineffectual resort to the constitutional expedient of refusing supply. The expenditure of the public revenue, extravagant salaries, pensions, the ecclesiastical establishment, the land-granting department and the system of auditing were subjected to criticism. The reform of the constitution of the legislative and executive councils was given prominence in the programme. The chief defect in the legislative council consisted in its absolute dependence on the executive. The members of council owed their appointment to the favour of the crown and were, with few exceptions,[1] in the employ of government. In addition, an instance in which coercive measures had been used to secure the passage of a measure promoted by the executive was cited from the proceedings of 1828. The remedy advocated was the introduction of the elective principle. The executive council, in the opinion of the committee, was a 'nondescript, with which it is folly further to contend.' Its advice was seldom required by the government, and if submitted was not

[1] See p. 340.

necessarily followed ; it was not consulted on appointments ; its administrative duties in connection with the granting of lands were gradually being reduced to a minimum. To make the executive council a real factor in government Mackenzie's committee urged the adoption of the principle of the responsibility of ministers—' some heads of departments well paid, to direct the government, to prepare bills and most of the business of the session, and to hold office or lose it according as they may happen to be in the minority or majority in the House of Assembly.'

Early in the session, on the motion of Mackenzie, the various entries relating to his expulsion and disqualification were ordered to be expunged from the journals of the house.

The Report of the Committee on Grievances was presented by Mackenzie on April 11, and three days later a motion to prevent the entry of the report on the journals of the house was defeated by a vote of twenty-five to seventeen. Resolutions were then adopted by the assembly asserting their constitutional right to appropriate the entire revenue of the province. In a very moderate and cautious address to His Majesty the assembly complained of the lack of harmony between the two branches of the legislature, and the consequent impossibility of securing such legislation as the public service demanded. The plea for responsible government was again advanced, and the assembly declared that until it was granted there could not be any real and permanent harmony between the government and the representatives of the people.

Sir John Colborne during these proceedings seemed to be hopelessly enslaved by the Compact party, and to be lulled by their assurances into a state of over-confident yet utterly false security. It was not his intention to repeat the mistake of the previous tory assembly by taking Mackenzie too seriously. On the contrary, by ignoring the man and disregarding his movements his propaganda would die of starvation. Colborne's dispatches therefore contained but brief comments on the proceedings of the assembly, and his references to Mackenzie were always couched in terms of the utmost disparagement. In his estimate of the strength and

significance of the reform movement in Upper Canada Colborne was grievously misled, and his deliberate policy of withholding information from the Colonial Office made it impossible for the responsible minister to deal intelligently with the Canadian situation. But reports of proceedings in Upper Canada could not be suppressed, and Colborne was requested to explain his conduct. The confidence which should have characterized the relations between the colonial secretary and the governor was fast giving way to mutual recriminations, and in October 1835 Lord Glenelg determined on Colborne's recall. The dispatch conveying this decision had not reached York when Colborne asked leave to retire from the administration. Colborne bitterly resented the treatment which he had received from Lord Goderich, and attacked the Colonial Office for refusing to afford him the support and confidence which his position deserved.

The clergy reserves question had not been permitted to rest in abeyance during these years. In 1831 the British government decided to abandon the clergy reserves 'for the simple reason that after an experience of forty years they have been found not to answer the expectations entertained at the time the system was established, but have entailed a heavy burthen upon the province without producing any corresponding advantage.'[1] A draft was prepared of a bill to be passed by the provincial legislature repealing the provisions of the Constitutional Act appropriating the reserves and converting them into the property of the crown. This bill was introduced into the assembly in a somewhat modified form by the attorney-general, but, for some unaccountable reason, before it could be considered Colborne prorogued parliament. In February 1832 Sir John Colborne suggested the advisability of applying a portion of the clergy reserves fund to the building of rectories or churches, and in this recommendation Lord Goderich acquiesced. For a time nothing further was heard of the rectories, and in Lord Goderich's famous dispatch of November 8, 1832, the statement was made that 'His Majesty has studiously abstained

[1] Lord Goderich to Colborne, No. 55, November 21, 1831: the Canadian Archives, G 68.

from endowing literary or other corporations, until he should obtain the advice of the Representatives of the Canadian people for his guidance.' During the sessions of 1834 and 1835 the assembly passed bills authorizing the sale of the clergy reserves and the appropriation of the proceeds for the purposes of education, but all their endeavours were powerless before the opposition of the legislative council. In January 1836, after Colborne received notification of his recall, the executive council recommended that fifty-seven rectories should be created and endowed with lands from the clergy reserves, and patents were accordingly issued erecting forty-four rectories (the remaining patents were incomplete) and endowing them with lands amounting in the aggregate to 22,931 acres. The transaction was completed without the knowledge of the imperial government, and contrary to the definite assurances of Lord Goderich. This dying act of Sir John Colborne's administration roused the province to a new sense of the dangers of an irresponsible executive, and forced the nonconformist bodies definitely into the ranks of the opposition.

Sir Francis Bond Head

Sir Francis Bond Head had been selected as successor to Colborne, and assumed the administration on January 25, 1836. The reply of Lord Glenelg to the Report of the Committee on Grievances was embodied in the instructions to Sir Francis. On the question of patronage Lord Glenelg laid down the principle that the government should 'maintain entire, by the nomination and removal of Public Officers, that system of subordination which should connect the Head of the Government with every person through whose instrumentality he is to exercise the various delegated Prerogatives.'[1] Whatever patronage was unnecessary to the preservation of that principle should be abandoned, and directions were given Head to report on the means of reducing the civil service. In so far as was compatible with the just claims of the officers of government, a policy of retrench-

[1] Lord Glenelg to Sir F. B. Head, No. 1, December 5, 1835: the Canadian Archives, G 75.

SIR FRANCIS BOND HEAD

From an engraving in the Château de Ramezay

ment was recommended in connection with salaries, fees and pensions. For the imperial parliament to interfere in the settlement of the clergy reserves would be 'an infringement of that cardinal principle of Colonial Government which forbids Parliamentary interference except in submission to an evident and well-established necessity.'[1] The establishment of a provincial board of audit was recommended, and directions were given for the submission of all public accounts to the assembly.

Most significant, however, was the statement of the British government on the question of responsible government.

> Experience would seem to prove that the Administration of Public affairs in Canada is by no means exempt from the control of a practical responsibility.[2] To His Majesty and to Parliament the Governor of Upper Canada is at all times most fully responsible for his official acts. . . . In the event of any representations being addressed to His Majesty upon the subject of your official Conduct, you will have the highest possible claim to a favourable construction; but the presumptions which may reasonably be formed in your behalf will never suspend a close examination how far they coincide with the real facts of each particular case which may be brought under discussion. This responsibility to His Majesty and to Parliament is second to none which can be imposed on a Public man; and it is one which it is in the power of the House of Assembly at any time, by Address or Petition, to bring into active operation. I further unreservedly acknowledge that the principle of active responsibility should pervade every Department of your Government; and for this reason, if for no other, I should hold that every public officer should depend on His Majesty's pleasure for the tenure of his office. If the Head of any Department should place himself in decided opposition to your Policy, whether that opposition be avowed or latent it will be his duty to resign his office into your hands; because the

[1] Lord Glenelg to Sir F. B. Head, No. 1, December 5, 1835: the Canadian Archives, G 75.

[2] The original dispatch reads 'a sufficient practical responsibility.' The word *sufficient* was erased at the request of the king.

> system of government cannot proceed with safety on any other principle than that of the cordial co-operation of its various members in the same general plans of promoting the public good. By a steadfast adherence to these Rules, I trust that an effective system of responsibility would be established throughout the whole Body of Public Officers in Upper Canada, from the highest to the lowest, without the introduction of any new and hazardous schemes of which the prudence and safety have not been sufficiently ascertained by a long course of practical experience.[1]

Responsible Government

The House of Assembly was opened by Colborne on January 14, and two days after his arrival Head favoured the assembly with a second speech from the throne. In February Head called to the executive council John H. Dunn, the receiver-general of the province, Robert Baldwin and John Rolph, two of the leaders of the reform party. This proceeding was popularly regarded as an initial step in the direction of the introduction of responsible government. But no such idea animated Head, for he persisted in accepting or rejecting the advice of the council as it suited his own purposes. On March 4 the entire executive council, including Peter Robinson, George Markland and Joseph Wells, the nominees of previous tory governors, tendered their resignations. In a representation accompanying their resignation the members of the council asserted that they were subjected to reproach and obloquy for measures of government which were never submitted for their advice. Head, on the other hand, advanced the principle of the exclusive responsibility of the lieutenant-governor to the king.

> The Lieutenant Governor maintains that the responsibility to the people (who are already represented in the House of Assembly), which the council assume, is unconstitutional—that it is the duty of the council to serve *him*, not *them* ;[2] and if on so vital a principle they

[1] Lord Glenelg to Head, No. 1, December 5, 1835; the Canadian Archives, G 75.

[2] The italics are Head's.

> persist in a contrary opinion, he foresees embarrassments of a most serious nature—for as power and responsibility must, in common justice, be inseparably connected with each other, it is evident to the Lieutenant Governor, that if the council were once to be permitted to assume the *latter*, they would immediately, as their right, demand the *former*.

The Downing Street view of responsibility was indeed carried to its extreme conclusion. R. B. Sullivan, William Allan, Augustus Baldwin and John Elmsley were appointed to the council, and were immediately met with a vote of want of confidence by the assembly.

The reply of the assembly to this assumption of authority was a refusal to grant all the supply asked by the government. Several bills of appropriation—bills which reacted to the advantage of the majority—were passed, but were reserved by Head in the hope of their disallowance by the king. Convinced that no further profit would be derived from treating with such a radical and republican assembly, Head resorted to an appeal to the people. In the election which followed the personal influence of Head and the patronage of the government were thrown into the scale against the reform party, with the result that Mackenzie and Bidwell were both defeated, and a majority was obtained favourable to the administration.

The 'Bread and Butter' Assembly

Sir Francis Head now seemed to have an open field. In order to restore the administration to a position of independence he recommended the repudiation of the agreement of 1831, by which control of a part of the public revenue was surrendered to the assembly. To this extreme, however, Lord Glenelg was not prepared to go. On the contrary, it is evident that the colonial secretary thought the time opportune to introduce a definite measure of popular responsibility in the executive council. Instructions were given Sir Archibald Campbell, lieutenant-governor of New Brunswick, to enlarge the executive council by introducing men possessing the confidence of the people. A copy of these instructions was sent to Head with the intimation that they should be

applied as far as possible to Upper Canada. The granting of concessions in one province involved extending the same treatment to the others. New Brunswick seemed the best suited of the North American provinces for the initial introduction of the reform. Upper Canada's turn came next, and, finally, attention was to be directed to the lower province. The meetings of the various assemblies were so to be arranged as to permit the successive unfolding of a benevolent scheme of reform. With such weak-kneed and humane treatment Sir Francis at once took issue. The fruits of the triumph which he had already won, and of those still more signal victories which were yet to be his, would thus be cast away. No such ignominious surrender would be made by Sir Francis Bond Head.

The new parliament—Sir Francis's 'bread and butter' parliament—assembled in November 1836, and faithfully followed the lead of the lieutenant-governor. The uncertainty of the life of the sovereign resulted in an act rendering a dissolution unnecessary on the death of the king. Supplies were granted in profusion, and the establishment of rectories was ratified by provincial legislation. On March 4, while Dr Rolph was in the midst of an address on the union of the provinces, the proceedings of the assembly were brought to a close. On June 19 the assembly was summoned to deal with the financial situation created by the refusal of the American banks to redeem their notes in specie. Only four statutes were passed—two of them for the relief of the banks—and the house was prorogued on July 11.

After the provincial election Head's mind seemed to lose its proper balance, and he persisted in following a course which recognized the authority of no one but himself. He dismissed Justice Ridout on suspicion that he was opposing the government. Complaint was made, and Lord Glenelg ordered Ridout's reinstatement. At the same time Head was directed to promote Bidwell to the next vacant judgeship. On both points he refused frankly to carry out his instructions. Nothing remained for Head but to resign, and in December 1837 Sir George Arthur was appointed lieutenant-governor of Upper Canada.

Although the reform party was still active in the house, the scene of the agitation for reform was shifted to the hustings and the press. The report of the Royal Commission on the affairs of Lower Canada, and particularly the despotic Canadian Resolutions of Lord John Russell, convinced the Upper Canadian reformers that resort to constitutional expedients would be ineffective in securing the changes which they considered the interests of the province demanded. Hope remained only in a resort to force.

Duncan McArthur

THE CANADIAN REBELLIONS OF 1837

THE CANADIAN REBELLIONS OF 1837

The Rebellion in Lower Canada

As early as 1832, when the troops were required to preserve order at the by-election in Montreal, the possibility of armed revolt was seriously considered. Papineau at the time declared that the *patriotes* would gladly have avenged the loss of life had they been able to cope with the armed troops, and definitely raised the question of the advisability of preparing for rebellion. In the heat of passionate appeals to the populace Papineau frequently exhorted his followers to resist with their lives encroachments on the sacred rights of the people. In these tirades against the government the terms *revolt, rebellion, to arms* were frequently heard. But Papineau should not be judged by the exaggerated and irresponsible utterings of the moments when reason became intoxicated by the powerful draughts of his own passionate and irresistible eloquence. So thoroughly were the feelings of the *patriotes* aroused that rebellion was a very real possibility. The chief restraint was the danger of defeat—and its inevitable consequences. Had opportunities arisen for organizing a force of respectable size and equipping it with the necessary implements of war, nothing would have been more certain than rebellion. To the United States Papineau turned for aid, but the response was not sufficiently cordial to justify open insurrection. So far as the rebels were concerned no plan of campaign was organized, and events were left to take what course they would.

In any event the government was aware of the danger of revolt, and as early as 1836 active preparations were made to resist an insurrection. The government could not well have been taken by surprise. The month of November 1837 witnessed several disturbances in Montreal, and on the

advice of a friend Papineau decided to retire to St Hyacinthe lest his presence might occasion even greater trouble. Papineau's departure in company with Dr Edmund O'Callaghan alarmed Lord Gosford, and on November 16 orders were issued for their arrest on a charge of high treason. Herein was the immediate cause of the rebellion. Soon afterwards two *patriotes*, Demaray and Davignon, arrested for encouraging disturbances, were rescued from a company of cavalry by a band of French Canadians under Bonaventure Viger. The rival factions now began to plan, the one for the arrest and the other for the defence of Papineau. The *patriotes* began to assemble at St Denis and St Charles, hamlets on the Richelieu River, and Colonel Gore was directed to disperse the rebel throng. The attacking force was divided into two sections : Lieutenant-Colonel Hughes was to proceed up the river to St Denis, while Colonel Wetherall was to descend the river on St Charles. Hughes and his force reached St Denis on the morning of November 23, and were accorded a very warm reception. The rebels were strongly entrenched, and in the afternoon the attacking force was compelled to retire with a loss of six killed and seventeen wounded.

In the career of Papineau special significance is attached to the affair at St Denis. With O'Callaghan he had found refuge in the village on the eve of the battle, and on the advice of Dr Nelson—according to Papineau's story—he sought safety in flight. In company with his Irish-American friend, and after much privation, he found his way to the American border. Whatever may have been the motives, Papineau's desertion of his fellows was an irretrievable mistake. His duty was to lead the movement which he had created. If he disapproved of rebellion, he had it in his power to restrain his followers and protect them from danger ; if he approved of the revolt, his desertion was an unpardonable exhibition of cowardice which no considerations of prospective advantage will condone.

The movement against St Charles, where Thomas Storrow Brown commanded the rebels, was delayed until November 25. Wetherall's advance received little serious opposition, and completely routed the rebel force. Brown, in the

fashion of the time, made his escape—this time to St Denis, and later to the United States. On December 1 a second attack was made on St Denis. The slaying of Lieutenant Weir by the rebels aroused the bitter anger of the attacking force, and St Denis was consigned to the flames.

Another revolt took place in the district of Two Mountains, where a group of rebels were assembled at St Eustache under Amury Girod, and later under Dr Chénier. The movement was met by a force of two thousand men under Sir John Colborne, who had been appointed to the command of the troops in Lower Canada during the period of danger. The rebels had gathered in the village church, and for some time successfully resisted the attack of a much superior force. The church was finally set on fire by the troops and the rebels forced to surrender. The defeat at St Eustache ended the first and main rebellion in Lower Canada.

Lord Gosford returned to England in February 1838, and was succeeded immediately by Colborne, but later by Lord Durham. On Lord Durham's resignation, and the return of Colborne in November 1838, a second and miniature revolt broke out. This outbreak, led by Robert Nelson and Dr Côté, was purely spasmodic, and was easily suppressed by Colborne.

The promptness and severity of Colborne's measures prevented the situation from getting beyond control, and very soon demonstrated the futility of opposing the king's troops. Hundreds of prisoners were taken and the gaols were filled. The Montreal prisoners were court-martialled and ninety-two condemned to death. Of these twelve only were executed, while the remainder were transported to Australia.

The insurrection in Lower Canada scarcely deserves to be considered as a rebellion. Only a very small section of the province participated in the armed resistance. At no time did it assume dangerous proportions, though, as Papineau later admitted, it imperilled the province by encouraging invasion from the United States. The active participants consisted mainly of fanatics, well-intentioned but deluded zealots. Its leaders represent the types of the movement : Papineau, surprised and stunned as he realized

for the first time the unhappy result of his fiery declamations ; Dr Wolfred Nelson—the mildest and most humane of private citizens—betrayed by his kindness and good intentions ; O'Callaghan, irresponsible agitator, whose great ambition was to avenge the cruelties and oppressions under which Ireland suffered ; Girod, foreign adventurer, whom fear of punishment drove to suicide. What a quartette ! Even the idea of responsible government could never have been able to make such diverse characters fight under a common standard. Nor was the rebellion a manifestation of French-Canadian nationalism. Nationalism, under the direction of the church, remained at home. The priesthood was well able to discriminate between the worthy and the unworthy in Papineau's propaganda. The rebellion movement, originating in protest against the ruling administration, developed into an inarticulate expression of dissatisfaction with things as they were.

The Rebellion in Upper Canada

The rebellion in Upper Canada, though planned with much greater elaboration, was doomed to an even more ignominious failure. Late in July a group of reform leaders conceived a plan for organizing the reform forces throughout the province into a definite union. An executive committee was established at Toronto with Mackenzie as agent and corresponding secretary. Early in August 1837 a ' Declaration of the Reformers of Toronto to their Fellow Reformers in Upper Canada ' was published, setting forth the grievances and pledging support to Papineau in Lower Canada. It further proposed the calling of a convention at Toronto for the purpose of considering ways and means of co-operating with Lower Canada in seeking a remedy for their common grievances. Under the direction of this committee meetings were held throughout the province, addressed by Mackenzie and other reform leaders, and the faithful were enlisted in a movement which had not yet assumed definite direction. Armed resistance was considered a very possible expedient, and in various parts of the province companies were being

regularly drilled, and lists of persons ready to bear arms at an hour's notice were prepared.

Head's conduct meanwhile was giving every encouragement to revolt. Troops were sent from Toronto to aid in quelling the Lower Canadian disturbance, and, despite the warnings of the officers acquainted with the situation, Head refused to take any measures to anticipate attack. Mackenzie conceived the bold plan of descending on the defenceless city, capturing the arms which were known to be there, and seizing the lieutenant-governor and his executive. Nothing came of this design, though had it been carefully executed it would doubtless have been successful. Late in November a descent on Toronto was planned for December 7. On the overthrow of the government a republic was to be established, constituted along the lines of the neighbouring republic ; Dr Rolph was to be provisional administrator, and a convention was to be called to approve of the constitution and more definitely establish the government. Hearing of this bold scheme of invasion Head at last became alarmed, and active preparations were made to meet the attack. Arms were distributed throughout the city and a warrant issued for Mackenzie's arrest for treason. This nervous activity on the part of the government induced Rolph to change the date of the attack to December 4. This sudden change of plan disorganized the rebel force, and the very evident absence of a definite plan of attack demoralized the few hundred men who had assembled at Montgomery's Tavern a few miles north of the city. The government was now definitely aware of the position and design of the invaders, and began to manœuvre for delay. Negotiations were opened with the rebels, and Robert Baldwin and Dr Rolph were selected as ambassadors of the government. The ruse was productive of no results, and on Rolph's advice Mackenzie and Samuel Lount advanced on the city on the night of December 5. The skirmish developed into a most ridiculous fiasco. After the first volley the loyalists turned and fled, and similarly Mackenzie's men, after the first shots were fired, were thrown into a panic and sought safety in retreat.

The result of the rebellion had already been determined.

The leaders of the rebels were divided in their counsels, and knew nothing about conducting an armed campaign ; the men were not equipped for invasion, and no arrangements had been made for supporting the crude army. On the 7th an armed loyalist force under the command of Colonel Fitz-Gibbon marched north to meet the remnant of the rebel force at Montgomery's Tavern. Here the only real engagement of the rebellion took place, and after an hour's brisk fighting the rebel force was compelled to retreat. After the dismal failure of the badly planned attack of the 5th, Dr Rolph and many of his rebel friends within the city retired to the United States. A reward of £1000 was now offered for Mackenzie's arrest, and the leader of a great movement designed to liberate the people from a cruel and oppressive thraldom, defeated, disheartened, ruined in fortune and an outlaw, sought refuge in the State of New York.

For the time being Buffalo became the headquarters of the insurgent movement. The city and district surrounding it were infected with a feeling of bitter hostility towards Great Britain, and Mackenzie was not without encouragement in his efforts to organize an invasion from the American border. Navy Island, in the Niagara River, was held by a rebel force of a few hundred men under Rensselaer Van Rensselaer, who was represented as a competent soldier. A provisional government was erected with Mackenzie as president, and promises were issued of grants of land for every soldier who joined the ranks of the insurgents. A special paper currency was issued by Mackenzie, and this for a time was accepted by the Americans. The efforts of the loyalists from the Canadian shore to dislodge the rebel force proved ineffective, and a new stratagem was adopted to cut off the rebels from their connection with the American shore. On the night of December 29 Captain Andrew Drew and a small party crossed the river to Schlosser and seized a steamer, the *Caroline*, thought to belong to the rebels. The boat was set on fire and sent adrift in the rapids, to come to destruction at the Falls. This incident created a storm of indignation throughout the border districts of the United States, and seriously threatened to create strained relations between the

powers concerned. The case of Alexander McLeod, one of the cutting-out party, arrested for murder and held by the United States authorities, occasioned volumes of diplomatic correspondence, and, but for his acquittal in October 1841, the incident might have proved of very serious consequence. An abortive rising in Western Ontario under Dr Duncombe was suppressed by Colonel MacNab with little difficulty. Futile attacks were made on Fort Malden, near Amherstburg, and on the town of Windsor, but in neither case did the movement reach serious proportions.

In punishing the rebels unnecessary severity was manifested by Sir George Arthur. Samuel Lount, a former member of the House of Assembly, and Peter Mathews, a prosperous and respectable farmer, who had been captured after the fight at Montgomery's Tavern, were convicted of treason and executed at York in April 1838. The petition of thousands of their friends proved ineffectual to save their lives, and their execution unquestionably embittered the opposition to the government. Other rebels sentenced to death secured a commutation to banishment for life, while many prisoners effected their escape to the United States.

The resort to arms had by no means been approved by many of the leaders or by the rank and file of the reform party. Robert Baldwin, while a staunch advocate of responsible government, was convinced of Mackenzie's folly in organizing rebellion. On account of his realization of the danger in which the rebels placed themselves, he had with all sincerity of purpose consented to act as intermediary between Head and Mackenzie. Bidwell's position was less decisive. He was aware of the preparations which were being made in anticipation of revolt, and gave his opinion on the legal issues which the training of the rebels raised. Yet he refused to take any part in the proceedings of Mackenzie's committees, and much less in the armed resistance. He was induced, however, to accept Head's suggestion of voluntary exile rather than remain in the province of his adoption, where but a few months before he was considered as a candidate for an important judicial appointment. Of Rolph's behaviour little favourable can be said. His conduct as Head's

messenger can be explained only on the supposition of a most treacherous duplicity. His secret dealings with Lount and Mackenzie, and his subsequent retreat to the border, indicate that he was still a party to the rebel schemes while accepting a commission from the lieutenant-governor.

Most deserving of censure, however, was the conduct of Head. A lieutenant-governor capable of considering seriously the duties of his office would have taken such wise precautions as would, in the case of Upper Canada, have prevented a rebellion. When the province was in serious danger he refused to adopt the measures necessary to the preservation of order. It was his boast—and one which he later had occasion to regret—that he had purposely dismissed the troops from the province, so that by encouraging them to consider the government defenceless they might the more readily be brought within his power. To Head's profound incompetency, rather than to his dubious strategy, may be attributed the state of the defences of Upper Canada. While Head's vagaries fail to justify the rebellion, it nevertheless remains that, with conditions as they were in Upper Canada, a firm and resolute display of authority would have effectively forestalled any serious movement of revolt.

Nationalism and the Rebellion

The Rebellions of 1837 were the symptom of a very serious political and constitutional disorder. Their significance must be sought in the conditions which produced them. And here discrimination must be made between the rebellion in Lower Canada and the rebellion in Upper Canada. The movements in the two provinces possess in common superficial features which are apt, if considered too seriously, to lead to erroneous conclusions. The nationalist movement in Lower Canada and the reform movement in Upper Canada were essentially different. They arose from entirely different causes; their courses were directed by totally different forces; and in the final analysis they led in different directions.

The movement underlying the rebellion in Lower Canada was essentially a problem of nationalism. Nationalism is a fundamental fact which in considering the history of a nation

must simply be accepted. In contact with opposing forces it has determined the history of Germany, of Italy, of Greece, of Japan. The reconciliation of nationalism with a broader and higher ideal is now the chief problem of the empire which includes Ireland, India, French Canada and Dutch South Africa. The history of Canada from the Conquest reveals Britain's first attempt to assimilate an alien nation within the Empire.

Certain essential elements may be distinguished in the constitution of nationalism. Religion—the fundamental interest of the human being—enters into the composition. Language—the most cherished of human institutions—is a factor. Social customs, political instincts, and that mysterious essence which we call the genius of a people contribute to the determination of nationalism. Tradition, binding together the past achievements of the race, welds the composite mass into a firm and inseparable unity. Community in religion, in language, in social customs and in political instinct, intensified by cherished traditions, form the essential elements of French-Canadian nationalism.

The tree of French-Canadian nationalism was planted by Champlain and watered by Laval, Talon, Frontenac and the makers of French Canada. But it was only after the Conquest that it became a disrupting force. Defeat and the fear of oppression strengthened its intensity. The real problem of nationalism had not been considered by the framers of the Treaty of Paris or of the Instructions to General Murray. While the religion and language of the subject people were preserved, it was still hoped that French-Canadian nationalism would be merged into some new composition which should be essentially British in character. During the pacific administration of Murray, French-Canadian nationalism began to undergo a change. Methods of conducting business, social habits—factors on the very fringe of nationalism—were anglicized, but the heart of nationalism was untouched.

British Policy and Nationalism

To the revolt of the American colonies, however, nationalism in its later form, and the movement for responsible

government, trace their origin. The danger of revolt in Canada, and the desire to employ Canada against the revolting states, led to the official recognition of French-Canadian nationalism in all its elements by the Quebec Act. The old ideal of a British Canada was discarded. Canada was to be French in all but sovereignty. This official establishment of French-Canadian nationalism did not indicate, however, any broad and humane recognition of the rights of nationalism. On the contrary, it was dictated purely by self-interest and a desire to resist a movement of British colonists in the direction of American nationalism. The Quebec Act therefore guaranteed to French Canada all the rights of religion, language and custom which nationalism could demand. But there had been no popular demand for the Quebec Act, and were it not for the loyalist settlements it might well have remained a dead letter. The influx of bigoted puritan tory loyalists, however, completely changed the situation. French-Canadian nationalism, threatened with attack from this new army, gladly took shelter in the fortress of the Quebec Act, for which no need had previously been found. With the loyalist migrations began the fight of French-Canadian nationalism to assert itself.

Not only had the policy of the British government regarding the national character of Canada been changed by the American War, but its conceptions of colonial government had been revolutionized. The spirit of democracy in church and state had, or so it was believed, alienated the American colonies from Britain. Henceforward no such evil tendencies would be permitted to gain force in the remaining colonies. A colonial aristocracy and a state-supported church would imprint the stamp of true British loyalty on all colonial subjects. The introduction of the principle of special privilege predestined the new constitution to failure. This special privilege both in church and state ran directly counter to the interests of nationalism in Lower Canada, and to the growing spirit of democracy in the upper province.

The introduction of a representative assembly provided a theatre in which French-Canadian nationalism could display its power. A new instrument with which it was not

familiar was placed in the hands of nationalism, and it proceeded to learn the uses to which it could be put. The governor, with the advice and consent of the council and assembly, could pass laws in the interests of the province. Nationalism was now to have a voice in legislation. Two definite issues arose from this situation—the character of the legislation to be passed, and the extent of the power of the assembly. Of these the first was fundamental, and gave rise to the second. The legislative programme of the assembly brought into conflict opposing interests in the province. The trade and commerce of the province was confined mainly to the British element, while the rural population was almost altogether French Canadian. The economic interests of French and English Canada were regarded as antagonistic. British merchants demanded the revision of the laws relating to the collection of debts, to the transfer of property, and the registration of legal instruments. These reforms were opposed by the French-Canadian majority as unnecessary innovations. The question of taxation likewise revealed a diversity of interest, and on the gaols bill in 1805 commercial interests were ranged against agricultural. A progressive policy of immigration was advocated by the British element as an impetus to the growth and prosperity of the province. But this, too, was opposed by French Canada, because it bestowed the heritage of the province on aliens and decreased the relative strength of the French-Canadian race. Legislation relating to ecclesiastical and educational affairs was most diligently scrutinized, lest perchance some veiled attack might be made on the sacred and inviolable rights of the church. Thus economic interest, which, from its very nature, contributed largely to the business of legislation, confirmed and aggravated the differences which nationality had already created. The economic policy of English Canada was liberal and progressive ; that of French Canada conservative and reactionary.

Nationalism and Government

The encroachments of the English element on the one hand, and the aggressiveness of the French Canadians on the

other, introduced the question of the place of the legislative assembly in the constitution. While legislation could not be passed without its consent, it was equally certain that the legislative council held the same power of obstruction. The assembly repeatedly found its plans blocked by an obdurate council. The obstruction of the legislative council was all the more galling on account of the unrepresentative character of its membership. The power of appointment vested in the governor was exercised to the advantage of the British minority, and, as the council was the ready creature of the executive, the legislative function was confined to two branches of government—the governor and the assembly. The reform of the legislative council so as to make the assembly the supreme legislative body was therefore the first constitutional change advocated by the nationalist party.

But the functions of legislation did not exhaust the interests of the assembly. The actual administration of the government bore more directly on the life of the people. The power of appointing public officers, the administration of justice, the appropriation of the public moneys should be in the hands of the dominant party in the province. It was incongruous that a coterie of British immigrants should direct the administration of public affairs for the special benefit of a small minority and to the exclusion of the representatives of the people. The administration was nominally vested in the governor, and it became the purpose of the nationalist assembly to strip him of his executive functions. The constitutional programme of nationalism, then, consisted of the assertion of the right of the assembly as the organ of nationalism to determine what laws should be passed and in what manner the government should be administered.

Constitutional reform did not exhaust the programme of nationalism, nor yet did the reform movement depend on nationalism for its entire support. A considerable section of the British community was keen in its advocacy of constitutional reform for its own sake. They combined the liberalism of economic reform with the liberalism of political

reform—refusing to take shelter, as did most of the British inhabitants, in a conservative and bureaucratic system of government. These—men of the Neilson type—were the genuine constitutional reformers. These two distinct movements for constitutional reform—the one as a means for the establishment of French-Canadian nationalism, the other as a means of introducing a sound and stable system of government—move side by side, each profiting by the support of the other so long as their distinct purposes permitted co-operation.

The constitutional programme of the nationalist party underwent a most interesting evolution. French Canadians, unaccustomed to the operation of representative institutions of government, adopted what appealed to the theoretic and logical French mind as the most direct expedient of securing popular control of government.

Their first resort, which was intended only as a preliminary step, was the appointment of a 'provincial agent' at the seat of the imperial government. The agent in reality was to be the representative of the House of Assembly, reporting to it and acting under its instructions. His duty was to present the opinions of the nationalist assembly before the colonial secretary, and thus counteract the representations of the minority made through the governor. The assembly thus acknowledged the right of the British government to direct the affairs of the province through the governor, but it wished to share in determining the policy which the governor would be instructed to adopt. But this attempt to reduce the power of the executive was checked by the governor's creatures in the legislative council.

The next move of the assembly, which for the time, however, proved ineffectual, revealed an inclination to adopt British expedients of government. By offering in 1810 to raise the funds necessary to conduct the administration of government, the assembly hoped to secure a practical control over the administration. The purpose of the move was very obvious, and the British government declined to be drawn into a dispute with the assembly.

Between the years 1812 and 1817 French-Canadian

nationalism derived its constitutional programme from James Stuart. Under Stuart's direction impeachment was adopted as a means of securing control over the executive. The manner in which the charges against Sewell and Monk were tried, however, convinced the assembly that nothing substantial could be expected from that quarter.[1] Lord Bathurst's later suggestion[2] that impeachments should be tried by the legislative council seemed to present a more encouraging prospect. Its success depended on the composition of the legislative council. No more simple and direct control of public officials could be desired than that exercised by a nationalist legislative council through the expedient of impeachment. It became still more important, therefore, that the legislative council should be brought into harmony with the popular will.

The constitutional struggle centred, however, in the control of supply. By exercising a control over the salaries of public officers the assembly would undoubtedly be master of the government. No more direct and effective control could be exercised, and the assembly was perfectly justified in resorting to it as a means of enforcing its claims. Here nationalist and constitutionalist were on common ground, and along the line of this policy nationalism followed the lead of John Neilson. The claims of the assembly and the prevalent British theory of colonial government came into conflict. The right of self-government was at stake, and events demonstrated that Lord Bathurst's policy was simply a restatement of the right of taxation. Legally, control over the casual and territorial revenue, and over the revenue raised under the statute of 1774, was vested in the crown. The exercise of this prerogative implied the supposition that the colonial assembly was incompetent to administer the funds consistent with the benefit of the province and the safety of the empire. The royal prerogative was exercised at the expense of colonial self-government. On the theory that colonial legislatures could not be trusted with the public administration the Bathurst policy was justified, and until a satisfactory basis of colonial self-government had been arranged the

[1] See p. 480. [2] *Ibid.*

British government was not justified in surrendering control over the revenue.

In the case of Lower Canada the assembly did not justify the confidence that was placed in it. The defect of the Howick Act was that it resigned important powers of government before the logical conclusion of the surrender could be accepted.

On the other hand, nationalism came into conflict with the true principles of constitutional government. The independence of the judiciary from the influence of a popular assembly is recognized as a public necessity. Wisdom has imposed certain bounds to the sphere of popular control. These limitations nationalism refused to admit. but persisted in extending the principle of popular control to every public servant. Here Neilson and Papineau parted company.

The control of the finances again drew attention to the composition of the legislative council. By provincial statutes, passed before the significance of the control of the purse had been realized, certain funds were placed at the disposal of the crown. In pursuing its policy of starving the executive the assembly now wished to withdraw these grants made in the days of its innocence. But the council refused to concur in the necessary legislation, and the assembly's tactics were defeated. Likewise, its annual bills of supply, framed in accordance with its own idea of popular control, were defeated by the council.

Several important considerations served to make the Legislative Council the centre of attack for nationalism. It prevented the adoption of the legislative programme of nationalism. The council had destroyed the assembly's scheme for the appointment of a provincial agent ; it had acted as the tool of the executive in the struggle for control of the finances. On the other hand, a reformed council seemed to solve the question of controlling the administration. A subservient council would permit the assembly to direct the administration by means of legislation, and, vested with the power of hearing impeachments, would inspire terror into the public service. Nationalism therefore eagerly seized upon Roebuck's suggestion of an elective legislative

council. An elective council would reduce the legislature to two branches, the governor and the assembly, while it would virtually vest the assembly with the power of administration. Here again the French partiality for simplicity asserted itself. The tendency of development in British institutions of government is to subdivide and differentiate functions ; that of French institutions is in the opposite direction. The control of the activities of government was to be concentrated in the popular legislative body which nationalism should always dominate.

The constitutional platform of French-Canadian nationalism consisted of three main planks—an elective legislative council, popular control of public finance, and the constitution of the legislative council into a court for the trial of impeachments. French-Canadian nationalism did not advocate the British system of responsible government. Responsible government in the British administrative system presupposed the existence of political parties. The party brings public opinion into direct contact with government. The actual administration is conducted by delegates two stages removed from the people. Into the intricacies of party government and cabinet responsibility Papineau had not wandered. He was the leader, not of a political party, but of a race. His theory demanded that the administration be conducted by representatives chosen directly by the people and responsible directly to the people. Responsibility, it is true, he desired, but in order that nationalism might assert itself. But responsible government in its modern acceptation was not a part of his programme. Neilson, on the other hand, adhered firmly to the principles of true constitutional reform. In advocating the popular control of the revenue Papineau and Neilson were on common ground. The advantage of an elective council was doubted by Neilson. The necessity of protecting minorities, particularly against the designs of an autocratic majority in the assembly, justified the principle of appointment in the constitution of the legislative council.

Papineau and Nationalism

But this is French-Canadian nationalism at its best. The French are the world's most consistent hero-worshippers. They follow the rising star. The early history of French-Canadian nationalism is the story of Louis Joseph Papineau. Papineau is the puzzle of Canadian history. With genuine eloquence he protested his loyalty to the British crown, yet annexation to the United States seemed to be the one doctrine in which he firmly believed. He railed against the government for excluding French Canadians from public office, yet he refused the responsibility of office himself and condemned Mondelet, Debartzch and Bédard as sellers of their birthright. He professed a keen regard for the interests of the Eastern Townships, yet refused their enfranchisement. Endowed with a most gracious personality and a commanding presence, his very bearing compelled attention. His fiery, passionate eloquence captivated and enthralled his audience. The rich endowments which nature lavished on him at once designated him as a popular leader. He was ambitious and—it can hardly be denied—excessively vain ; yet none would dare dispute his integrity and honesty of purpose. The power which his persuasive eloquence secured he was unable to direct into safe and constitutional channels.

Papineau was temperamentally disqualified for leadership in a movement for constitutional reform. Stuart, Neilson, Roebuck did the serious political thinking for French-Canadian nationalism, and to these men of the Anglo-Saxon race must be attributed the positive content of the movement. Papineau's eloquence was his greatest enemy. It betrayed him into making rash and irresponsible statements for which he was forced to assume responsibility. Having once started on the path of invective and exaggeration there was no retreat. With the failure of each promise of achievement he was compelled to make still more extravagant bids for popular support. His speeches, therefore, are pitched in a note of unreality and hollowness, and his influence on the popular mind was to create and foment dissension.

Nevertheless there was abundant cause for popular dis-

satisfaction. The official oligarchy was composed of men who were, with few exceptions, of medium ability, but who maintained a haughty superiority galling to the national pride of the Canadian. The servility of the bureaucracy to the whims of the governor brought it into contempt. The administration of justice failed to command confidence while public affairs were conducted to suit the British minority. The national characteristics of French Canada were despised and treated with contempt by ignorant and irresponsible creatures of government.

The unconscious influence on French-Canadian nationalism of Papineau's personality did not make for peaceful agitation. The breeze which his eloquence fanned into being developed under his own influence into a hurricane which he could no longer control. That the revolt as it actually occurred was premeditated is very doubtful, yet for the deluded state of mind of many innocent *patriotes* Papineau was responsible. Constitutional reformers in Lower Canada did not resort to revolt, nor yet did the great body of French-Canadian nationalists. Papineau was betrayed into extreme measures by the influence of such agitators as O'Callaghan and Brown.

Constitutional Reform in Upper Canada

The movement underlying the rebellion in Upper Canada differed essentially from the rebellion movement in Lower Canada. Nationalism, the basic element in the Lower-Canadian situation, found no place in Upper Canada. The rebellion in Upper Canada was a genuine movement for administrative and constitutional reform. The constitutions of the provinces were similar ; the administrative systems were the same ; and the abuses which grew out of them were of essentially the same character. Hence it was that Mackenzie found in Neilson his most confidential adviser in determining the policy of reform. On Mackenzie's later statement it was Neilson who drafted the petitions presented by Mackenzie in 1832 which formed the basis of the Seventh Report of the Committee on Grievances—the

political confession of faith of Upper-Canadian reform. In its fundamental issues the reform party in Upper Canada found its counterpart in the Neilson party, yet in the methods of its party propaganda it resembled the nationalist movement in Lower Canada. With Neilson, Mackenzie had much in common, though with Papineau he had more. The reform movement in Upper Canada therefore combined a soundness of constitutional principle with a recklessness and extravagance in its appeal for popular support.

The application of the principles of special privilege in church and state, while essentially the same as in Lower Canada, was made under especially favourable conditions in Upper Canada. Lower Canada already possessed a government which did not entirely conform to the aristocratic ideal of the framers of the Constitutional Act. A powerful church already existed in Lower Canada, but not the church fitted to form the ideal companion of the aristocratic government. The principles of privilege were to be engrafted on a tree of many years' growth, and one which had borne fruit of a very different quality. But in Upper Canada no such compromise was necessary. The virgin soil of the new province afforded ideal conditions for the planting and culture of this new and purified variety of colonial government. In this experiment Simcoe was enthusiastically interested, and followed faithfully the directions of the master minds in the Colonial Office. A colonial aristocracy was created and endowed with extravagant grants of land. Plans were laid for the establishment of the Church of England and its complete supremacy in religion and education.

But the Upper-Canadian soil was of greater fertility than even Simcoe had judged. The new colonial government developed rapidly—so rapidly indeed that it soon got beyond the control of those entrusted with its care. The aristocracy of church and state consolidated and completely monopolized the functions of government. Colonial conditions contributed greatly to this result. The aristocracy created by Simcoe was of a strong and virile type, and proved its right to govern by its unquestioned ability. The Family Compact,

especially in its earlier days, was composed of men of pre-eminent talent for government, and its claims can be defended on the ground of its superior qualification for the duties which it undertook. But when what was designed as a means to an end became an end in itself, the system began to break down, and especially when the second generation of the Family Compact proved themselves unable to wield the sword of their fathers. Monopoly in government and incompetency of administration then became the centre of attack.

Government by a benevolent aristocracy may for a time be justified. Conditions in Upper Canada, however, did not tend to favour such a gracious and well-intentioned system. The political instinct of the people was opposed to aristocracy and special privilege; while the benevolence of the Family Compact seemed to be pre-eminently manifested towards its own members. The reform movement therefore began with an attack on the principles of privilege in the administration of government.

Privilege in Church and State

Privilege was most strongly entrenched in the executive council—the lineal descendant of Simcoe's aristocracy. The members of the council for the purposes of government formed themselves into a cabal which a Russell, a Grant and a Gore could not overcome. The important offices of the administration were distributed among its members; it became a self-sufficient instrument of government. The principles of bureaucracy were never more consistently applied than by the Family Compact. Against such a monopoly lieutenant-governors, were they inclined to dispute its authority, were powerless. The representative of the crown was the creature—and in certain cases the willing servant—of the Compact. If privilege were to be destroyed in government, the executive council must first be reformed.

The principles of special privilege in government found a faithful exponent in the Church of England. The establishment of the church was to contribute a most essential element to the preservation of the colonial empire, and to that end

it had been richly endowed with lands. In Upper Canada the activity of the church was mainly manifest in the administration of the clergy reserves and in asserting its control over education. Both of these monopolies gave rise to serious grievances, and became the object of the attack of the reform element.

The clergy reserves represented a very genuine grievance in Upper Canada. Their situation between lots which were occupied and cultivated brought hardship to the owners of adjoining lands. The value of neighbouring lands was decreased and the difficulty of maintaining public roads manifoldly increased. The clergy reserve system itself, apart from church connection, was a distinct impediment to progress. But the monopoly of the clergy lands by one denomination, and that not the most numerous in the province, aggravated the intensity of the grievance and ranged the nonconformist bodies in solid array against the government.

The monopoly claimed by the church in education was even more bitterly resented. The immigrants to Upper Canada were of such a character as to appreciate the supreme importance of education. The attempt to impose on the province a system of instruction with which the vast majority of the province had no sympathy was certain to meet with resistance. The abolition of denominational monopoly in the popular control of education therefore became one of the positive demands of the reform party.

Popular grievances in Upper Canada were attributable to the administrative system represented by the executive council. The control of the executive council then became the object of the popular movement in Upper Canada. To secure control of the council two constitutional expedients were advocated—the right to appropriate the public revenue and the introduction of the principle of responsible government. It is to the credit of Mackenzie that the movement which he led was established on a firm constitutional basis. The idea of a provincial agent, of impeachments, of an elective legislative council found no place in the programme of reform in Upper Canada. In this respect Mackenzie possessed an advantage over Papineau. His British instincts

made him familiar with the external features, at least, of responsible government, an expedient essentially British in its character. Mackenzie therefore was able to go directly to the cause of the abuses of government, and suggest the only remedy adequate to meet the situation. From 1828 onward responsible government was consistently advocated on the part of the reformers.

Closely associated with the idea of a responsible executive was the claim to control the public expenditure. Popular control of supply is involved in the principle of responsible government. In the advocacy of the right of the assembly to appropriate the public revenue Mackenzie was prone to fall into the excesses of Papineau. He, too, failed to realize the limits which sound government must place to the principle of popular control, and was inclined to condemn the financial agreement of the assembly of 1832.

Mackenzie and the Rebellion

Various factors contributed to Mackenzie's leadership of the reform movement in Upper Canada. While he did not possess the constitutional temperament of Bidwell or of Baldwin, his overpowering enthusiasm for popular rights enabled him to exert a much wider influence than did any of his fellow-reformers. The persistence and energy with which he attacked the abuses which had developed during the régime of the Compact did influence public opinion, and served to render more articulate the demand for self-government. He was the oracle of discontent, and no selfish personal motives blunted the edge of his tirades against monopoly and privilege. Not a little of his prominence, however, he owed to the ill-directed attacks of his opponents. The persecutions which he suffered at the hands of the young bloods of the tory party, and the attention which the government persisted in directing towards him, made him an object of public sympathy, and forced him into a position of leadership. He was essentially an agitator. Of fiery Celtic temperament, he was unable to preserve a calm rationality at critical moments. His consuming zeal for the cause which he considered right blinded

him frequently to the elements of truth in the case of his opponents, and often led him into strange inconsistencies in his own political reasoning.

The brief period of the rebellion brought into relief the negative characteristics of Mackenzie. A bloodless revolution was his ideal—an ideal which, to a man of practical judgment, would have appeared inconsistent with the methods adopted by Mackenzie. The hazarding of life and property requires the justification of at least a fighting chance of a successful issue. Mackenzie should have realized that, even relying on the folly of Sir Francis Head, the forces of revolt could not possibly cope with the military resources of the administration. In later years he saw the folly of his excesses, and expressed his regret at having so risked the lives of his fellow-countrymen. The agitation which he conducted served to present the political issue clearly before the people of Upper Canada, and to direct the attention of the motherland to the condition of colonial affairs, but it is doubtful if the rebellion itself contributed to advance the cause of self-government. Mackenzie's residence in the United States, and his observation of the operation of a democratic system of administration, wrought a change in his ideas of government. He confessed that his confidence in responsible ministers had been shaken, and that he preferred to rely on the more stable authority of the crown and the governor. A final estimate of Mackenzie, while not blind to a deficiency in those qualities of poise and stability which are essential to constructive statesmanship, must not deny him the honoured place in the affections of the reformers of Upper Canada which was won by his dauntless courage and his unselfish devotion to the cause of popular rights.

Comparison

The reform movements in the Canadian provinces were for popular government—in Upper Canada for its own sake, in Lower Canada to assert the dominance of nationalism. In Upper Canada principles of government created a natural division into political parties; in Lower Canada racial

differences constituted the only party divisions. In Upper Canada the movement was progressive ; in Lower Canada it was reactionary. In Upper Canada there was a conscious and reasoned demand for responsible government ; in Lower Canada the constitutional programme was confused and obscured in the issues of nationalism. In each province the movements were dominated by a single personality, and in both the resort to arms is attributable to the excesses of the leaders.

To what extent was the rebellion inevitable ? Into the governments of the colonies were introduced contradictory principles which were predestined to clash. In 1774 the British government acknowledged the right of French-Canadian nationalism to a free and unmolested existence. In 1791 it gave French Canada a system of government incompatible with the principles of nationalism. A conflict was inevitable. Upper Canada was a British community shorn of its ancestral aristocratic proclivities. In 1791 Upper Canada was granted a constitution modelled, aristocracy and all, on the British constitution. The external form of the British constitution was granted ; its substance was withheld. The real genius and spirit of British parliamentary institutions was denied to the oversea subjects of the Empire. The government fell into the hands of selfish factions, and it was impossible that a virile and vigorous people would submit to the thraldom of a bigoted and incompetent cabal. Here, too, a struggle was inevitable.

In its larger and more significant import the rebellion movement in the Canadas formed a very necessary stage in the evolution of the government of the Empire. The colonies demanded self-government. To British statesmen colonial self-government spelled separation from the Empire. The responsibility of the executive to the people was met by the responsibility of the executive to the governor, and of the governor to the crown. The preservation of the Empire was a necessary measure of self-defence. The responsibility of the governor to the crown was the only remaining guarantee of preserving the integrity of the Empire. It was necessary that the essential conflict of the direct and inverse theories of

responsibility should be clearly demonstrated before a higher form of imperial and colonial government could be evolved.

The political revolution of 1837 marks the period of growing-pains necessary before Canada should attain its majority. Canada's demand for self-government rendered necessary a revision of the ideas of colonial empire and a readjustment of the instruments of colonial government. The Empire had been sustained on a narrow and artificial basis of government. The unity of the Empire had been preserved at the expense of colonial independence. The Canadian rebellion marks the beginning of the movement to make colonial independence the basis of imperial unity.

Duncan McArthur

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